

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

SEPTEMBER 16, 2002

LAKESIDE COMMUNITY CENTER
BAND SHELL CITY PARK
CLEAR LAKE, IOWA

TABLE OF CONTENTS

| | |
|---|----|
| Call to Order | 1 |
| Members Present..... | 1 |
| Members Absent | 1 |
| Adoption of Agenda..... | 1 |
| APPROVED AS AMENDED | 1 |
| Approval of Minutes | 1 |
| APPROVED AS PRESENTED | 1 |
| Director's Report | 1 |
| Hearing demands - Need for Special Meeting | 2 |
| HEARING ON THE APPEAL WILL BE HELD IN PERSON | 3 |
| Contract – Energy Nexus Group - Streamlining Siting and Permitting of Combined Heat and Power Systems..... | 3 |
| APPROVED AS PRESENTED | 5 |
| Notice of Intended Action--Chapter 107 “Beverage Container Deposits” | 5 |
| APPROVED AS PRESENTED | 6 |
| Emergency Rule - Chapter 60 - Scope of Title-Definitions-Forms-Rules of Practice, Chapter 62 - Effluent and Pretreatment Standards, Chapter 63 - Monitoring, Analytical and Reporting Requirements: | 6 |
| APPROVED AS PRESENTED | 7 |
| Final Rule--Chapter 60--Scope of Title-Definitions-Forms-Rules of Practice, Chapter 64-- Wastewater Construction and Operation Permits..... | 7 |
| APPROVED AS PRESENTED | 8 |
| Proposed Contested Case Decision – Crestwood Acres and Blairs Ferry Manor | 8 |
| NO ACTION TAKEN | 8 |
| Proposed Contested Case Decision – M.A. Inc | 8 |
| NO ACTION TAKEN | 9 |
| Referrals to the Attorney General | 9 |
| Pat Snody, Honey Creek Campground [Crescent] – drinking water. | 9 |
| REFERRAL WITHDRAWN | 9 |
| M-F Real Estate, Inc. and Fred "Butch" Levell [Carter Lake] – underground storage tanks. | 10 |
| REFERRED..... | 10 |

| | |
|--|----|
| Public Participation | 10 |
| Douglas, Sheila (Beverage Container Deposits) | 10 |
| Braun, Jim | 10 |
| JIM BRAUN WAS COMMENDED FOR HIS SERVICE ON THE COMMISSION..... | 11 |
| Proposed Rule - Chapter 65 Animal Feeding Operations (amendments to definitions; minimum separation distances for land application of manure and construction of confinement feeding operation structures; collection of annual compliance fee; submission of annual manure management plan updates; the site inspection and construction permit application review process; and amendment of Table 6) | 11 |
| Public Participation | 12 |
| Solberg, LJ (Master Matrix)..... | 13 |
| Gustafson, Jim (Master Matrix)..... | 13 |
| Heathcote, Susan (Master Matrix) | 13 |
| Jordal, Erin (Master Matrix) | 14 |
| Kinman, Linda (Master Matrix)..... | 14 |
| Mulqueen, Robert (Master Matrix) | 14 |
| Wood, Doug (Master Matrix) | 15 |
| Peterson, Chris (Master Matrix) | 15 |
| Wolfram, Robert (Water Quality)..... | 15 |
| Proposed Rule - Chapter 65 Animal Feeding Operations (amendments to definitions; minimum separation distances for land application of manure and construction of confinement feeding operation structures; collection of annual compliance fee; submission of annual manure management plan updates; the site inspection and construction permit application review process; and amendment of Table 6) (Continued)..... | 15 |
| INFORMATION ONLY | 16 |
| Proposed Rule - Chapter 65 (adoption of master matrix)..... | 16 |
| Presentation | 18 |
| Dr. John Downing - Clear Lake Diagnostic and Feasibility Study..... | 18 |
| Proposed Rule - Chapter 65 (adoption of master matrix) (Continued) | 19 |
| INFORMATION ONLY | 20 |
| Proposed Rule – Chapter 117 Requirements for Waste Tire Facilities | 20 |
| INFORMATION ONLY | 21 |
| Proposed Rule – Chapter 2, Public Records and Fair Information Practices..... | 21 |
| INFORMATION ONLY | 21 |
| Proposed Rule – Chapter 7, Contested Case Rules (Adoption by reference of Director’s amendments)..... | 22 |
| INFORMATION ONLY | 22 |
| Monthly Reports | 22 |

| | |
|--------------------------|----|
| INFORMATION ONLY | 42 |
| General Discussion | 43 |
| Adjournment..... | 44 |

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Murphy at 8:30 a.m. on Monday, September 16, 2002, in the Lakeside Community Center, Clear Lake, Iowa.

MEMBERS PRESENT

Lisa Davis Cook
Lori Glanzman
Darrell Hanson
Kathryn Murphy, Chair
Kelly Tobin
Terrance Townsend
Rita Venner, Secretary

MEMBERS ABSENT

Gary Priebe, Vice Chair – Was unable to attend due to a schedule conflict.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Change the approval of the Minutes from July 22, 2002 to the Minutes of August 19, 2002 .
- Change the presenter for item 14 from Mike Murphy to Wayne Gieselman

Motion was made by Terry Townsend to approve the agenda as amended, seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Lori Glanzman to approve the August 19, 2002 minutes as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Chairperson Kathryn Murphy said that Director Vonk was in Montana for a conference and asked Deputy Director Liz Christiansen if she would like to make any comments.

Liz Christiansen introduced Bill Jinkinson, Supervisor for Field Office 2 in Mason City, Iowa. She said the Department was in the process of developing the budget for Fiscal Year 2004 and

expected to have it ready to bring to the Commission in October or November. She said that Doctor John Downing from Iowa State University would be making a presentation on water quality investigatory work that he has been doing in Clear Lake. She thanked Conservation Officer Steve Schutte and Brad Baker from Lake Patrol for taking the Commission on a tour of the lake Sunday afternoon. She said Mayor of Clear Lake was at the meeting and asked him to stand up and introduce himself.

Mayor Kirk Kraft said he would like to welcome everyone to Clear Lake. He said they have been working with the DNR much more closely than has been done in the past and feels they have made some great strides. He felt that the lake front at Clear Lake was unique and they were working hard to improve it. He said he looked forward to moving ahead with the Corps of Engineers, DNR, and private funding to improve water quality in Clear Lake.

HEARING DEMANDS - NEED FOR SPECIAL MEETING

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Two counties have notified the Department that they intend to demand hearings regarding two separate draft animal feeding construction permits. All necessary documents will not be available in time for the Commission's September 16, 2002 meeting. The Commission's next regular meeting is October 21, 2002, which is more than the allowable 35 days after the Department's anticipated receipt of the hearing demand documents. Therefore, the Commission's rules require that it schedule an electronic meeting satisfying the 35 day requirement. Department legal staff advises that the Commission's rule provision does not limit it to an electronic meeting so that it can schedule a special in-person meeting if it desires to do so. More specific information regarding acceptable meeting dates will be available at the September 16, 2002 meeting.

Wayne Gieselman said the Department had received an appeal for permits issued for proposed animal feeding operations. Statute requires that the Commission hear the appeals within in 35 days of receipt, which will expire prior to the Commission's next meeting. The permit issued in Poweshiek County is for the expansion of a poultry facility and the other is for a new facility in Adair County. He said because the Commission would need to hold a special meeting for these hearings they needed to decide whether or not to do it electronically. He said it would be his recommendation to hold the meeting in person as there is a great deal of comment with regard to each permit. He said the hearing would need to be held prior to October 11.

Kathryn Murphy said in the interest of maximizing public comment she felt it would be preferable to hold the meeting in person.

Wayne Gieselman said because the permits were under appeal he suggested the chair not allow public comment on the permits until the special meeting.

| |
|--|
| <i>Motion was made by Rita Venner to hold the meeting in person. Seconded by Terry Townsend. Motion carried unanimously.</i> |
|--|

| |
|---|
| HEARING ON THE APPEAL WILL BE HELD IN PERSON |
|---|

Discussion followed as to the availability of the Commissioners.

The Commission decided that the meeting would be held either on September 25, or September 30, 2003. It was decided that the Commissioners would contact the recording secretary, Carol Arpy prior to Wednesday, September 18 to let her know which day would work the best for them.

CONTRACT ENERGY NEXUS GROUP - STREAMLINING SITING AND PERMITTING OF COMBINED HEAT AND POWER SYSTEMS

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission is requested to approve the contract for services between the Department and Energy Nexus Group (Contractor) to identify regulatory barriers and develop recommendations for guidelines and protocols that will streamline the siting and permitting processes of combined heat and power (CHP) systems of less than twenty-five (25) megawatts in Iowa. The contract amount is not to exceed \$35,000 for the period September 30, 2002, through June 9, 2003. This expenditure will result in the development of recommendations to address changes that include, but are not limited to, enabling legislation, air quality permitting, and building codes and standards. A sample list of work items the Contractor will perform include, but is not limited to:

Assist the Department to finalize the selection of CHP Steering Committee and Working Group membership;

Identify critical issue areas;

Plan, facilitate, and record two Steering Committee meetings;

Arrange and facilitate Working Group meetings;

Facilitate production and outside review of draft recommendations document; and

Facilitate production of final recommendations document.

Background

Combined heat and power (CHP) is a highly efficient energy-production technology that generates electricity (and/or mechanical energy) and thermal energy in a single, integrated system at the point of use. Heat that is normally wasted in separate, conventional power generation systems is recovered by CHP systems to satisfy much of the thermal needs of a facility. This efficiency translates not only into economic benefits but environmental benefits as well, as CHP systems emit less carbon dioxide (CO₂) to the atmosphere. Despite these benefits, CHP technologies remain underutilized.

Iowa Code Chapter **§476A**, ELECTRIC POWER GENERATORS, is the section of Iowa Code that governs the siting of electric power generating facilities in Iowa. This code establishes the Iowa Utility Board (IUB) of the Department of Commerce as the agency of Iowa government charged with developing and implementing regulatory requirements for generating facilities. The IUB has developed and implemented well-defined procedures for the siting of electric

generation in Iowa; however, these procedures, as mandated in §476A, only apply to generating facilities of twenty-five (25) megawatts (MW) or greater. Since most distributed energy resources are significantly smaller, entities wishing to install most CHP systems are left with no clear path to effect installation.

This lack of regulatory direction can result in the need for tremendous expenditures of both time and capital to garner approval to site these systems, a process that must be completed for each proposed system.

Permitting of a CHP system is a separate process that must be undergone to receive required pre-construction and (Title V) air quality operating permits from the Department's Air Quality Bureau. As with the siting process, these permitting processes must be completed for each CHP installation. Moreover, the current air quality permitting process does not recognize the efficiency benefits unique to combined heat and power systems. Emissions are presently measured from the fuel input to the system without crediting the system for its increased energy output. Air quality permitting of CO₂ is not required but could provide tracking in the event that CO₂ regulations and credit trading evolve.

The Department is committed to developing a clear-cut siting and permitting protocol specific to CHP systems to accelerate the implementation of this highly-efficient technology in Iowa.

Contractor Selection

The Bureau mailed copies of the RFP to consultants on our mailing list, made the RFP available on the Targeted Small Business web site, on our web site, and advertised the RFP in the Des Moines Register for two days. Six proposals were received. A review team consisting of three Bureau staff reviewed the proposals on a number of criteria, including previous experience, quality of the work-plan, and budget.

After reviewing the proposals, the review committee selected Energy Nexus Group. The reasons for the selection were the firm's excellent previous experience on related projects, the expertise of their staff and their ongoing partnerships with various national and regional CHP initiatives, and the responsiveness of their proposal to the RFP.

No general fund monies will be used to meet these obligations.

At this time, the Department requests the Commission's approval to enter into a contract with Energy Nexus Group to facilitate the development of a streamlined siting and permitting process for accelerating the implementation of combined heat and power systems in Iowa.

Wayne Giesleman said the object of this contract is to identify barriers to licensing small electrical generating facilities in the state.

Rita Venner asked what was considered a small electrical generating facility.

Wayne Gieselman said a small generator produces less than 25 megawatts.

Lisa Davis Cook asked what the benefit was for hiring a contractor rather than asking the Energy Bureau to do this.

Wayne Gieselman said the biggest part of this deals with air permitting issues and the funding for this contract is from Title 5 fees.

Lori Glanzman asked how the Department decided that 25 megawatts was considered a small generator.

Wayne Gieselman said that it is part of the Utilities Board statutory requirements at this time.

Motion was made by Rita Venner to approve the contract as presented. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 107 BEVERAGE CONTAINER DEPOSITS

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

In March of 2002, the Commission passed revised rules relating to beverage container deposits, Chapter 567 IAC 107. In May, the Administrative Rules Review Committee voted to place a 70-day delay on these rules to allow the Attorney General to review 5 portions of the rules relating to 4 issues. Due to a delay in completing this AG's opinion, in July the ARRC put a session delay on all of the revisions to Chapter 107, meaning they were suspended until the 2003 legislative session.

The Attorney General's opinion found that 3 of the objections raised by the Grocers were valid in that the department, and the EPC, was found to have exceeded our authority in enacting these rules. Therefore, the department has been engaged in discussions with the Grocers to develop acceptable rules. On August 13th the ARRC lifted the session delay on all but 5 distinct sub rules or rule parts.

The Notice of Intended Action is intended to revise those portions of the rules that are currently suspended by the ARRC. The proposed revisions establish categories for redemption centers and dealers and assign varying rights and responsibilities to each category.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Wayne Gieselman said last spring the Commission approved a rulemaking dealing with beverage container deposits. The rule change then went before the Administrative Rules Review Committee who expressed some concern about the DNR's authority. The Attorney General subsequently issued an opinion that found the Department had overstepped their boundaries with this rule. The Department has worked with the Grocery Industry Association and has reached a compromise, which is represented in the notice of intended action that is being presented to the Commission for decision.

Lisa Davis Cook questioned whether or not the Grocery Industry Association was really in agreement with these rules or would they once again go to the Administrative Rules Review Committee to object.

Jerry Fleagle from the Iowa Grocery Industry Association said that they are in support of the rules that have been developed. He said with regard to the previous rulemaking, his association had started with twelve or thirteen objections to the rulemaking, of which all but 3 or 4 had been resolved by the time it went to final rule. At that time they went to the Attorney General to work it out and have since worked with the Department to reach a compromise.

Motion was made by Terry Townsend to approve the Notice of Intended Action as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

EMERGENCY RULE - CHAPTER 60 - SCOPE OF TITLE-DEFINITIONS-FORMS-RULES OF PRACTICE, CHAPTER 62 - EFFLUENT AND PRETREATMENT STANDARDS, CHAPTER 63 - MONITORING, ANALYTICAL AND REPORTING REQUIREMENTS:

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Commission approval is requested for revisions to Chapters 60, 62 and 63 of the rules. Chapter 60 provides general definitions of terms used elsewhere in the rules and rules of practice, including forms, applicable to the department's administration of the wastewater program. Chapter 62 adopts, by reference, the federal effluent and pretreatment standards applicable to industrial discharges. Chapter 63 specifies minimum monitoring requirements, analytical procedures and reporting requirements applicable to all wastewater discharges.

The purpose of this rulemaking is to update references in rules 62.4 (455B) and 62.5 (455B) to federal effluent and pretreatment standards that need to be changed to remain current with federal regulations. Within the past year EPA has adopted standards for the design and operation of new cooling water intake structures. The change to rule 60.2 (455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 2002. The change to subrule 63.1(1) is to update the reference to the latest EPA approved analytical methods that must be used by wastewater dischargers to remain current with federal requirements.

The commission is being asked to adopt these rules without public notice and participation. Rule 62.2 (455B) and Iowa Code section 17A.4(1) specifically provide for adoption of federal effluent and pretreatment standards by reference, without public notice. Because the commission must adopt effluent and pretreatment standards at least as stringent as the federal standards to have primacy in the NPDES program and Iowa Code section 455B.173(3) prohibits the commission from adopting standards more stringent than the federal standards, public participation in this rulemaking is unnecessary. Although analytical methods are not effluent or pretreatment

standards per se, these methods are required by federal regulations to be used to determine compliance with federal standards and in the submission of permit applications and other reports to the department. Because analytical methods at least as stringent as the federal methods are required to be used and the federal methods are adopted by reference in subrule 63.1(1), the commission is asked to adopt this rule without notice and public participation as well.

(A copy of the Final Rule is available in the Department's Record Center)

Wayne Gieselman said the Commission is being asked to approve this rulemaking without public comment because the Department is prohibited by Iowa Code to adopt standards that are more stringent than the federal standards and they are required by federal regulation to adopt rules that are at least as stringent as federal standards. Therefore the Department has no options other than to adopt the federal standards.

Motion was made by Terry Townsend to approve the Emergency Rule as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 60--SCOPE OF TITLE-DEFINITIONS-FORMS-RULES OF PRACTICE, CHAPTER 64--WASTEWATER CONSTRUCTION AND OPERATION PERMITS

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Commission approval will be requested for the attached final rule. The final rule as proposed will:

- lower the construction site storm water permit threshold from five acres to one acre;
- remove the stormwater exemption for "small" (less than 100,000 population) municipalities; and
- require certain municipalities to obtain permits for their municipal separate storm sewer systems (MS4s).

These changes are mandated by new federal regulations and failure to adopt provisions at least as stringent as the federal requirements could result in loss of primacy for the entire NPDES program. Other changes include adopting forms and deleting the expired "money back guarantee rule". The final rule as proposed would not change the existing permit fee structure.

The commission previously approved the Notice of Intended Action and it was published in the Iowa Administrative Bulletin on July 10, 2002. No comments regarding these proposed rules were received during the public comment period or at the public hearing held August 16, 2002.

Wayne Gieselman reviewed the changes in the rule. He said that the Department had not received any public comments during the public hearing but had received comments the previous

week that dealt with how much training the communities would have to comply with this rule. He said the Department has done 14 different presentations to municipalities and contractors to discuss what was involved in this rule making. He said one of the major changes involved with this rulemaking is that it allows the municipalities a choice of various methods to meet the requirements of the standards. He said the Department is continuing to work with the municipalities that are affected.

Kelly Tobin asked if small communities would have trouble meeting the standards.

Wayne Gieselman said he did not believe they would. He reviewed some of the methods meeting the requirements.

Motion was made by Kelly Tobin to approve the final rule as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED CONTESTED CASE DECISION CRESTWOOD ACRES AND BLAIRS FERRY MANOR

Mike Murphy, Chief for the Legal Services Bureau presented the following item.

On November 6, 2001, the department issued Administrative Orders No. 2001-WS-15 and 2001-WS-16 to Mid-County Water, Inc. That action required the company to install disinfection facilities at the above-named public water supply systems. Those actions were appealed, and the matters were consolidated and proceeded to administrative hearing on May 21, 2002. The Administrative Law Judge issued the attached Proposed Decision on August 8, 2002. The decision affirms the Orders.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mike Murphy briefed the Commission on the case. He said this was the Commissions opportunity to review the case on their own.

The Commission chose to take no action which has the effect of upholding the Administrative Law Judge's decision.

NO ACTION TAKEN

PROPOSED CONTESTED CASE DECISION M.A. INC

Mike Murphy, Chief for the Legal Services Bureau presented the following item.

On April 2, 2002, the department issued Administrative Orders No. 2002-WW-08 and 2002-WW-09 to M.A., Inc. That action required the company to comply with NPDES permit requirements for two mobile home parks that it owns and operates, and to pay penalties of \$10,000 for each. Those actions were appealed, and the matters were consolidated and proceeded to administrative hearing on July 30, 2002. The Administrative Law Judge issued the attached Proposed Decision on August 27, 2002. The decision affirms the Orders, with the exception of reducing the penalties to \$7,000 each.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mike Murphy briefed the Commission on the case and explained that like the previous item they could review the decision if they chose to do so.

The Commission chose to take no action which has the effect of upholding the Administrative Law Judge's decision.

| |
|------------------------|
| NO ACTION TAKEN |
|------------------------|

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Chief for the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

Pat Snoody, Honey Creek Campground [Crescent] drinking water.

Mike Murphy said the Department is asking that the request for referral for Pat Snoody, Honey Creek Campground be withdrawn because Mr. Snoody has had some serious health problems and the Department has met with the manager of the facility who has expressed an interest in straightening out the problems. He said although the penalty will still need to be addressed the department would like the chance to work out a resolution.

| |
|---------------------------|
| REFERRAL WITHDRAWN |
|---------------------------|

M-F Real Estate, Inc. and Fred "Butch" Levell [Carter Lake] underground storage tanks.

Mike Murphy said M-F Real Estate purchased property that had been a former underground storage tank site that the State had been monitoring because the owner had died. When the company took possession of the property they had a parking lot laid over the monitoring wells making them inaccessible. An order was issued, directing the company to rectify the situation, the company did not appeal or comply with order and the Department has made repeated efforts to communicate with them. He said they had contacted Mr. Wornson last week indicating that they would like to work things out but the Department is not confident that they will follow through, so they are requesting referral.

Motion was made by Lisa Davis Cook to refer M-F Real Estate, Inc to the Attorney General. Seconded by Terry Townsend. Motion carried unanimously.

REFERRED

PUBLIC PARTICIPATION**Douglas, Sheila (Beverage Container Deposits)**

Sheila Douglas Executive Director of the Iowa Wholesale Beer Distributor's Association asked if when the public hearing would be held.

Kathryn Murphy said it would be held November 7, 2002.

Sheila Douglas said that although the Grocery Association had worked with the Department of Natural Resources on this rulemaking Iowa Wholesale Beer Distributor's Association were not included in those meetings. She said they will be talking to the Department to clarify some points in the Notice of Intended Action. She said the beer distributors are the only party that initiate the "cradle to grave" cycle with their beverage containers so it is very important to them that they be involved in this process.

Lisa Davis Cook asked if the Iowa Wholesaler Beer Distributor's Association was a member of the Grocery Association.

Sheila Douglas said they were not.

Braun, Jim

Jim Braun, former Commissioner said it had been an honor to serve on the Commission and he would miss being part of the important decisions they make. He said he believed in the old saying that you do not own the environment, you simply borrow it from your children and grandchildren. The decisions the Commission have to make impact what our children inherit from us. He asked the Commissioners to submit a request to the Iowa Legislature asking them to

clarify Iowa Code concerning the position of the Commissioners who change political or vocational affiliations while serving on the Commission.

Darrell Hanson said it was his understanding that it was understood that the requirements of political or vocational affiliation applied to a Commissioner when they were appointed.

Jim Braun said he had discussed this issue with the Governor and DNR when he had decided to change political affiliations and had been told that it applied at the time of appointment. However there have been some threats of a legal challenge as to the validity of the Commission if he were to stay on it, therefore he thought it best to resign and ask for clarification during the next legislative session.

Lisa Davis Cook made a motion to commend Jim Braun for his service on the Commission. Seconded by Darrell Hanson. Motion carried unanimously.

**JIM BRAUN WAS COMMENDED FOR HIS SERVICE ON THE
COMMISSION.**

PROPOSED RULE - CHAPTER 65 ANIMAL FEEDING OPERATIONS (AMENDMENTS TO DEFINITIONS; MINIMUM SEPARATION DISTANCES FOR LAND APPLICATION OF MANURE AND CONSTRUCTION OF CONFINEMENT FEEDING OPERATION STRUCTURES; COLLECTION OF ANNUAL COMPLIANCE FEE; SUBMISSION OF ANNUAL MANURE MANAGEMENT PLAN UPDATES; THE SITE INSPECTION AND CONSTRUCTION PERMIT APPLICATION REVIEW PROCESS; AND AMENDMENT OF TABLE 6)

Wayne Gieselmann, Administrator of the Environmental Services Division presented the following item.

The Commission will be provided with a draft of proposed changes to Chapter 65, "Animal Feeding Operations," Iowa Administrative Code, as directed by Senate File 2293 passed by the 2002 Iowa legislative body.

- ITEM 1 – Amendments would be made to the following definitions: anaerobic lagoon, animal, animal feeding operation, animal feeding operation structure, confinement feeding operation building or confinement building, confinement feeding operation structure, formed manure storage structure, small animal feeding operation, unformed manure storage structure. New definitions would be added to Chapter 65, including: animal unit capacity, document, high-quality water resource, internet, karst terrain, professional engineer, water source, and water of the state.
- ITEM 2 – Amendments would be made to minimum separation distances for the land application of manure in proximity to designated areas.
- ITEM 3 – Amendments would be made to minimum separation distances for the land application of manure.

- ITEM 4 – Amendments regarding persons required to submit manure management plans and updates.
- ITEM 5 – Amendments regarding the submission of annual manure management plan updates and annual compliance fee.
- ITEM 6 – Amendments to rule governing site inspection and construction permit application review process.
- ITEM 7 – Amendments would be made to Table 6, modifying animal weight capacity to animal units and increased separation distances.

(A copy of the proposed rule is available in the Department's Record Center.)

Wayne Gieselmann said these rule changes to Chapter 65, come directly from the statute enacted by SF2293.

Robin Pruisner reviewed the rule changes for the Commission. She said in the past the department permitted on animal weight capacity, which will now be calculated by animal units. This is the same method used by EPA, thus making it simpler for producers as they will no longer have to provide two sets of calculations. She said the threshold for Small Animal Feeding Operations has been lowered from 200,000 pounds to 500 animal units. She said the definition of karst terrains as supplied by the SF2293 has been amended by the department to state that if the bottom of an unformed manure storage structure can maintain a twenty-five foot vertical separation distance to limestone, dolomite, or other soluble rock then it not considered to be in karst terrain.

Kelly Tobin asked if existing structures will be subject to this rule change.

Robin Pruisner said they would not but if they wanted to expand it would not be approved. She said another requirement established by SF2293 is that all earthen basins must have a construction permit from the Department of Natural Resources. This is causing some concern because in northeast Iowa there are a lot of small dairy farms and this year's Farm Bill provided a great deal of EQIP money that could be used for improving manure structures. The problem is that the small dairies with maybe only 100 head of cattle wanted to move from an old earthen basin to a more environmentally sound manure storage structure but they are in karst terrain and therefore can not construct earthen basins. To make the change from an earthen structure to a formed structure increases the cost significantly. She said she has been working with Senator Ziemann in northeast Iowa to look at ways to address these concerns.

Kathryn Murphy said at this time she would like to put this item on hold and go forward with Public Participation.

PUBLIC PARTICIPATION

Kathryn Murphy asked that people addressing the Commission keep their comments to less than five minutes.

Solberg, LJ (Master Matrix)

Linus Solberg said he would like to thank the Commission for meeting outside of Des Moines. He said he lives in Cylinder, Iowa located in Palo Alto County and he was there to represent the independent pork producers who have quit raising hogs and those who are struggling today due to low prices, unfair competition in the market place, and the most lax regulations in the all of the states that surround us. He said he raises specific pathogen free (SPF) pigs, otherwise known as disease free pigs. Last spring his neighbor, Farmland Industries, an 8,000 head of feeder pigs facility located less than a half a mile from him, was losing 100's of pigs a week from Porcine Reproductive & Respiratory Syndrome (PRRS) despite the recommendations from several reputable veterinarians not Farmland Industries spread 6,000 gallons of manure per acre 60 feet from his healthy pigs. He said his pigs had tested negative for PRRS for seven months in a row prior to Farmland spreading the manure in April, twenty-eight days later his hogs began aborting their pigs, many of them died and he is still having problems today. This is why so many small independent producers are no longer raising hogs. He said the matrix system is a joke if you live in rural Iowa. He is president of the Palo Alto County Pork Producers, they want pigs in Iowa, but they want common sense laws so that more people do not leave the State of Iowa.

Gustafson, Jim (Master Matrix)

Jim Gustafson, County Supervisor for Buena Vista County said he had been a member of the Master Matrix Committee. He said he believes each of the three categories, air, water, and community in the matrix should be scored. He said the community aspect of this is vitally important in local government. He often hears comments from the community that if the large producers would put the facility on his own homestead, no one would have a problem with it. He is also concerned about the facilities placing their manure storage units on the side of the road, thus causing problems for snow removal and damage to the shoulder of the road, costing the counties more money. He said the Minnesota Model that is included in the Master Matrix does not include wind direction, which to him would be just as important as distance when referring to hog houses. He said the County Board of Supervisors needs to have a simple tool to use that is not too lenient. If every facility is approved the county will not run the matrix but at the same time they would not want one that refused everyone either.

Heathcote, Susan (Master Matrix)

Susan Heathcote, Research Director for the Iowa Environmental Council said she had served on the Master Matrix Committee. She said she did not believe that anyone was completely happy with end result but she believes that all of the factors in the Matrix do have mitigation for the environment. She said she would like to make sure that everyone understood what the matrix is not, it is not an environmental assessment. It does not focus on what the specific risks associated with specific facilities. It does not ask that specific action be taken on a specific site. This made their work a lot more difficult because it had to be flexible enough to apply to any situation. It is not local control or zoning. Whether or not it will be successful will depend on how the issues that were not settled during the planning meetings are handled. She said they did not come up with a threshold score by consensus. She said the committee was not able to agree on a decision to score each risk area separately and require minimum scores in each of the three categories.

She said there were also two mitigating factors that the committee was not able to reach consensus on that she would like to see included in the draft Master Matrix that will go out for public comment. One is incentives for producers that would choose not to use antibiotics for non-therapeutic uses such as growth promotion. The second was demonstrated neighborhood support, even though everyone agreed that it was important to include in the matrix they could not agree on the definition of it. She said radius of the neighborhood would have been defined as two times the separation distance. She said she and other members of the committee felt that it would be important that the support be 100% support but there were some members who felt 100% would be unreasonable.

Jordal, Erin (Master Matrix)

Erin Jordal, Director for the Iowa Chapter of the Sierra Club said they had some recommendations on how the Department could address some of the issues left unresolved by the matrix committee. She said the matrix needs to be set up so that the applicants are required to go beyond the legislative requirements and are therefore addressing the site issues and community complaints. She said if there was not a threshold score for each category as well as for the entire matrix then it would be nothing more than a check list. She said the Sierra Club recommends a 75% threshold score for the entire matrix and that points be assigned to each of the three subcategories with the applicant being required to obtain a certain percentage of points in each. She said the mitigating factors of incentives to reduced the use of non-therapeutic antibiotics and 100% demonstrated neighborhood support that were left unresolved by the matrix committee should be included in the final matrix. She said that if the threshold scores are not included for the whole matrix and each subcategory, the result of the three months of work by the matrix committee will be a meaningless form for applicants to fill out during the permit process.

Kinman, Linda (Master Matrix)

Linda Kinman from Des Moines Water Works and the Iowa Association of Water Agencies said they appreciate the work of the Master Matrix Committee and they feel the proposed master matrix breaks new ground in Iowa and the country. The mitigating factors included in the master matrix are realistic and not idealistic. She said it is important while considering the Master Matrix that everyone remember that it is voluntary and above and beyond Iowa's minimum requirements. She said they ask that the Commission vote to move the Master Matrix forward with the requirement that all three risk categories be proportionately represented in the scoring process and adding a scoring factor for producers who voluntarily forgo the use of non-therapeutic antibiotics.

Mulqueen, Robert (Master Matrix)

Robert Mulqueen from the Iowa Association of Counties said SF 2293 was a step not a solution. Their association has strongly advocated county home rule authority for the siting of confinement facilities. Other provisions however including new separation distances, phosphorus index, and air monitoring are significant. He said although the Master Matrix Committee worked very hard the end product, like the legislation, is a step and not a solution.

The matter of minimum scores and risk categories are essential. County officials who support home rule authority are not against livestock production in Iowa, they only wish to utilize their authority to encourage conscientious livestock producers.

Wood, Doug (Master Matrix)

Doug Wood, Environmental Protection Officer for Humboldt County said there needed to be a minimum score for each category otherwise it made no sense to have the categories. He said an applicant only needs 17% of the total points on the Interim matrix to receive a passing score. Consequently, a producer can address only the first 4 of the 75 items listed on the interim matrix to pass. By breaking it down to three risk factors and requiring a minimum score for each, a producer is required to address each factor to receive a passing score.

Peterson, Chris (Master Matrix)

Chris Peterson, Vice President of the Iowa Farmers Union said he understands on the phosphorus index that there is no limit to how much can be applied if there is no risk of erosion and he believes that in order to be good steward of the land the corporate producer should be required to do soil testing for phosphorus. He said he is in support of the adding the incentive for producers not to use non-therapeutic antibiotics. He said he is concerned about county participation in the use of the Master Matrix being on a voluntary basis. He said the Master Matrix Committee has done a lot of good work but he would like to remind everyone that this is only a beginning, not a solution. He said according to the information he received from the DNR there appears to be a record building boom for livestock factories. He said that people and family farmers needed to be put first in Iowa. He said as a family farmer he does not like regulations but all of the family farmers he knows have no problem complying with the regulations

Wolfram, Robert (Water Quality)

Robert Wolfram from Ventura, Iowa said he has been a commercial bait salesman since he was approximately 13 years old and over the years he has seen Iowa's rich eco system disappear. He said we need to address this problem and he hoped that the Commission would come up with some strong actions because society is asking for local control and the water quality in rural Iowa is absolutely terrible.

PROPOSED RULE - CHAPTER 65 ANIMAL FEEDING OPERATIONS (AMENDMENTS TO DEFINITIONS; MINIMUM SEPARATION DISTANCES FOR LAND APPLICATION OF MANURE AND CONSTRUCTION OF CONFINEMENT FEEDING OPERATION STRUCTURES; COLLECTION OF ANNUAL COMPLIANCE FEE; SUBMISSION OF ANNUAL MANURE MANAGEMENT PLAN UPDATES; THE SITE INSPECTION AND CONSTRUCTION PERMIT APPLICATION REVIEW PROCESS; AND AMENDMENT OF TABLE 6) (CONTINUED)

Robin Puisner explained that the second item of the rule change requires that the incorporation of manure occurs on the same day as it is spread instead of the prior 24 hour time limit in order for the separation distance for manure application to be waived.

Kelly Tobin asked if there were any requirements for the depth of incorporation or any allowances for the slope of the land.

Robin Puisner read the definition of incorporation to the Commission, which requires that manure be incorporated into the upper four inches of soil.

Discussion followed regarding how violations of this rule are handled.

Robin Puisner reviewed Table 6, which changes the method of measurement from animal weight capacity to animal unit capacity for all animals. She said table 7 that had dealt with beef and dairy under the previous method has been deleted because there is no differentiation for species when using the animal unit method. Items four and five of the rule change deals with the new requirements for the annual submission of manure management plans and establishes a compliance fee of \$0.15 per animal units.

Kelly Tobin asked where the 12 field staff would be located.

Wayne Gieselman said the Department has six of the twelve positions established at this time on in each of the field offices. He said these positions will be paid for by the fees that are being established for manure management plans but they are not scheduled to begin until next March. Currently these positions are being paid from the Manure Storage Indemnity Fund, which will need to be paid back. He said the Department plan to begin the process of establishing the other six positions in the next month. He said eventually three of the twelve positions will be located in the field office in Spencer and three will be located in Mason City as those field offices have the highest concentration of livestock. The remaining positions will be spread throughout the remaining four field offices. In addition to these twelve positions, two of the central office manure management plan reviewer positions will be moving to the field offices.

Robin Puisner said that item six of the rule change updates how the Department reviews construction permit applications, how the Department goes out on site to inspect and how complaint investigation will be handled.

| |
|-------------------------|
| INFORMATION ONLY |
|-------------------------|

PROPOSED RULE - CHAPTER 65 (ADOPTION OF MASTER MATRIX)

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be provided with a draft of the master matrix, as required by Senate File 2293 passed by the 2002 Iowa General Assembly. The master matrix is a comprehensive assessment mechanism in order to produce a statistically verifiable basis for determining whether to approve or disapprove an application for the construction of a permitted operation. The

master matrix includes criteria that value environmental and community impacts. County boards of supervisors in counties that pass a construction evaluation resolution may use the master matrix to evaluate proposed confinement feeding operations. The master matrix includes weighted scores for all mitigating factors in the matrix and the construction permit applicant must receive a minimum threshold score required to receive a satisfactory rating.

The master matrix is being created by a committee of ten representatives of various environmental and agricultural groups, as designated in the legislation. The committee has been meeting since late June, preparing a consensus recommendation to the department on the contents of the master matrix. The final meeting of the committee is scheduled for September 4 - 5. The committee's final recommendation will not be complete in time for inclusion in the regular mailing of the EPC informational packets. A complete draft master matrix will be distributed to Commission members shortly before the September 16 meeting.

(A copy of the committee recommendations and the proposed Master Matrix is available in the Department's Record Center.)

Robin Puisner said in addition to herself the members of the Master Matrix Committee were Brent Halling, from the Department of Agriculture and Land Stewardship, Dr. Mary Gilchrist from the University of Iowa, and Dr. Jack Cameron, the alternate. Dr. John Lawrence represented Iowa State University and Dr. Doug Kneely acted as his stand in when he could not attend the meeting. Susan Heathcote represented the Iowa Environmental Council and was backed up by Elizabeth Horton Plaskett, and Linda Kinman. Harlan Hanson represented the Iowa State Association of Counties but had to leave the committee due to health problems; he was replaced by Jim Gustafson. Calvin Rozenboom represented Iowa Farm Bureau Federation and John Whitaker represented Iowa Farmer's Union. John Whitaker's substitute was Aaron Lehman. The five commodity groups were required to select two people to represent them on the committee, those people were Joe Laffoon from the Iowa Poultry Association, who was sometimes backed up by Kevin Vinchattle and Tim Bierman from the Iowa Pork Producers Association who was replaced by John Korslund.

Robin Puisner said the guidelines the committee had to follow were that the Master Matrix shall include criteria valuing environmental and community impacts for the use by County Boards of Supervisors. She said they brought in the Federal Mediation and Conciliatory Service to act as the neutral third party and to help direct the meeting and the Attorney General's office provided legal council during the process. She said one of the first things the group did was to draw up ground rules and a list of standards. They determined as a group that every mitigating factor that they drew up in the master matrix needed to be verifiable, objective, enforceable, and practical. The committee decided up front to use a consensus process, which means that the entire group had to come to an agreement on something before it could be added or taken off of the list of recommendations. This promoted compromise between the members of the group.

Robin Puisner reviewed the recommendations that were developed by the committee, which includes the requirements for counties to determine whether or not they will use the matrix on an annual basis for the first two years and every two years beginning in 2005. She said the Master Matrix Committee submitted to the Department, a list of mitigating factors to be used in the

matrix along with two explanatory statements. The first statement, from Calvin Rozenboom, John Korslund, Joe Laffoon, Brent Halling, and John Lawrence said, “The percentages listed for air, water, and community represent our measure of the extent to which the mitigating factors listed address environmental and community impacts as set out in SF2293 and are not to be used to score items on a categorized basis. We support a single score, single matrix as outlined in SF2293.”

The second statement made by Susan Heathcote, Harlan Hanson, Aaron Heley Lehman, and Mary Gilchrist, reads, “The undersigned committee members feel very strongly that the matrix needs to be comprehensive to assure that all three risk areas will be addressed. In order for the Master matrix to be a workable and fair system for the County Supervisors to use in the evaluation of new permit applications, the three risk categories must be proportionally represented in the scoring process. Proportionally requires minimum threshold scores in the three risk categories (air quality, water quality, and community concerns) that the committee has worked with throughout this process along with an overall minimum threshold score for the matrix as a whole. We believe that the percentages in the subcategories agreed to by the committee in the scoring process should be used to calculate point values within the three risk categories and to determine the minimum threshold scores needed within each risk category.”

Robin Puisner explained to the Commission that the committee had been unable to reach consensus for two mitigating factors the first being for not using non-therapeutic antibiotics and the second was demonstrated community support within a radius which equals two times the set back distance. She said these factors were still on the table and could be included in the matrix if the Commission instructs her to do so. She said although the committee did not reach consensus on using subcategory scores, she did include it on the proposed master matrix because it would have been difficult to imagine what they would look like.

Kelly Tobin asked if the committee had reached consensus on the minimum score for the master matrix.

Robin Puisner answered that the committee had not reached a consensus on a minimum overall score and the Department has proposed the minimum scores on the draft master matrix distributed to the Commission. She said she the minimum overall score on the proposed master matrix represents 50% of the total possible points, which was determined by using the master matrix to score several existing facilities. In addition to receiving a minimum overall score on the matrix the Department also recommends that the applicant be required to receive 30% of the total score possible in each subcategory to receive a passing score.

Robin Puisner reviewed each of the mitigating factors that that were included in the draft Master Matrix.

PRESENTATION

Dr. John Downing - Clear Lake Diagnostic and Feasibility Study.

Dr. John Downing from Iowa State University presented his findings and recommendations for water quality improvements at Clear Lake. He said to improve water quality at Clear Lake the

phosphorus sediment and bacteria input needs to be reduced, through wetland restoration, restoration and maintenance of Ventura Marsh, the deepening of Little Clear Lake, installation of breakwaters, expansion and enforcement of no wake zones and the expansion and maintenance of aerators until no longer needed. He said if these efforts were implemented changes in the lake should be visible within five years with full improvement within thirty years, however permanent changes take on-going care. He said currently Iowa State University is performing systematic, annual monitoring on all Iowa lakes. They are working with Iowa Geological Services Bureau with EPA funding to build a lake information system that will be going on line in the near future. This system will provide a variety of information about all of the lakes of the Iowa. This website will be used to classify each lake for restoration purposes by looking at its relative condition, the relative cost of remediation, and the relative benefits of restoration.

PROPOSED RULE - CHAPTER 65 (ADOPTION OF MASTER MATRIX) (CONTINUED)

Robin Praisner finished reviewing the mitigating factors on the Proposed Master Matrix.

Robin Praisner asked the Commission to let her know if they would like any changes made to the proposed master matrix.

Rita Venner asked if the Department was receiving any feedback from the interim matrix.

Robin Praisner said that legal council has advised producers that since the minimum score on the interim matrix is 100 points they should stop filling out the matrix when they reach that score so as not to commit themselves to doing more than they have to. Therefore producers have only been filling in the first portion of the interim matrix and stopping.

Kelly Tobin asked if that was the reason for setting the minimum score of the master matrix at 432.5.

Robin Praisner answered that it was based on the 15 or 20 matrix's they had run on existing facilities. She said that over the next thirty days she would like to run it on several more facilities to get a better sampling. She said from the few sites that they have run the matrix on what they have found is out of the three subcategories, water and community were the easiest to obtain at the 30% level and getting a minimum score in air quality was the most difficult.

Wayne Gieselman said that he would like some input from the Commission on whether or not they would want the Department to keep the requirement of 30% of the points in each subcategory or if they wanted it changed to something else. He said it will ultimately be their decision as to what a passing score would be.

Kelly Tobin said he felt the required score for water quality should be higher.

Darrell Hanson said he thought it made sense to have a minimum score for all three categories; otherwise creating the categories would have only been a very interesting academic. For the long term interest of the livestock industry it is important that people begin looking at the community factors as well as the water and air issues. He said he felt the approach the

Department is taking in having the matrix run on existing facilities is the best approach for determining what the score should be.

Rita Venner said she believe that the subcategories should be included.

Robin Praisner said that the Committee did discuss weighting the categories differently but there was some concern about the perception that one category is considered more important than another. She said this is a recommendation from the committee but the ultimate decision as to what will be included or excluded from the matrix is up to the Commission.

Terry Townsend said he thought it would help the Commission to see some actual scores on the matrix's that have been run on existing facilities. He said he did not feel asking for 100% demonstrated neighborhood support was realistic.

Darrell Hanson said to keep in mind that no one would be required to get seek the support of the neighborhood it is simply one way to go after some points.

Rita Venner said she thought it was useless to put something in the matrix that is unachievable. She said she thought the requirement for using low-phytase corn would be impossible to trace. In addition, she felt it would be something that would be self ruled because if a producer finds that it would be to his benefit to use it, he will.

Darrell Hanson said he had heard people say that the use of phytase can make your hogs more susceptible to the negative aspects of the stress gene being expressed.

| |
|-------------------------|
| INFORMATION ONLY |
|-------------------------|

PROPOSED RULE CHAPTER 117 REQUIREMENTS FOR WASTE TIRE FACILITIES

Wayne Gieselmann, Administrator of the Environmental Services Division presented the following item.

Attached for the Commission's information is a draft of the Notice of Intended Action to amend administrative rule chapter 567-117 "Waste Tire Facilities." The Commission will be requested to approve this Notice of Intended Action at its October meeting to begin the formal rule making process on the attached proposed rules. The request for action on this rule chapter is to clarify setback distances for waste tire stockpiles at permitted waste tire stockpile storage sites, pursuant to requirements set forth in Iowa Code Chapter 455D.11, and to update references to the Iowa Code where appropriate.

As the Commission may recall, the Administrative Rules Review Committee (ARRC) reviewed Chapter 117 as a final rule at their June 11, 2002 meeting. At that time, committee members expressed their concerns with rule references regarding the prohibition of open burning within 300 feet of any tire pile. ARRC believed that unintentional consequences of this prohibition could affect landowners located adjacent to a permitted waste tire facility in the event that property boundaries are within 300 feet of a tire pile as stipulated in the rule. This would place undue property restrictions on the neighboring landowners.

In order to address ARRC's concerns promptly and to avoid any delay in the implementation of the rule, at its July 2002 meeting the Commission approved emergency amendments to Ch. 117. Effective upon filing, the amendments deleted references to the 300 feet burning prohibition, and in lieu of, added restrictions that banned open burning of any type at a permitted stockpile site.

However, as Iowa Code Chapter 455D.11(4)a. does state that the department shall develop rules to limit, "The prohibition of burning within one hundred yards of a tire stockpile," these amendments have been developed to meet this requirement of the law. The proposed change does not impose any restriction on adjacent property owners since it requires a 300 foot separation distance between a permitted stockpile and the permittee's nearest property boundary.

It should also be noted that this amendment for a 300' setback will apply to permitted aboveground "stockpile sites", and will not apply to permitted "tire processing" sites or to below ground waste tire storage sites. Currently, there are no permitted aboveground tire stockpile sites in the state. As a point of information, the only below ground waste tire storage site is Pattison Brothers Grain Terminal, in Clayton County.

(A copy of the proposed rule is available in the Department's Record Center.)

Wayne Gieselman said that the Department had proposed a rule that prohibited any open burning within 300 feet of a tire pile; however the Administrative Rules Review Committee was concerned that the rule would restrict neighbors of the tire pile from burning on their own property. This revises the rule to state that a tire pile cannot be located within in 300 feet of the property line which eliminates the risk of affecting the unregulated public.

| |
|-------------------------|
| INFORMATION ONLY |
|-------------------------|

PROPOSED RULE CHAPTER 2, PUBLIC RECORDS AND FAIR INFORMATION PRACTICES.

Mike Murphy, Chief of the Legal Services Bureau presented the following item.

The Commission will be provided a draft Notice of Intended Action to adopt amendments to chapter 2, " Public Records and Fair Information Practices," 567 Iowa Administrative Code. The purpose of this rule-making is to adopt definitions for "emission data," and "effluent data." Iowa Code sections 455B.137 and 455B.179 authorize the department to maintain as confidential, information provided by industries which is "trade secret" or otherwise privileged, except for emission and effluent data, among other things. These terms are not defined in our rules, and to provide clarification to the regulated public and the department staff, we are proposing to adopt the federal definitions, The Notice of Intended Action will be placed on the October 2002 agenda for approval.

(A copy of the proposed rule is available in the Department's Record Center.)

Mike Murphy distributed a copy of the proposed rule and reviewed the proposed changes.

| |
|-------------------------|
| INFORMATION ONLY |
|-------------------------|

PROPOSED RULE CHAPTER 7, CONTESTED CASE RULES (ADOPTION BY REFERENCE OF DIRECTOR'S AMENDMENTS).

Mike Murphy, Chief of the Legal Services Bureau presented the following item.

The Commission will be provided a draft Notice of Intended Action to adopt amendments to chapter 7, "Rules of Practice in Contested Cases," 567 Iowa Administrative Code. The purpose of this rule-making is to update the rules to reflect the current department organization and to incorporate changes in the Iowa Administrative Procedure Act. The proposed action is to adopt by reference proposed changes to 561 Iowa Administrative Code Chapter 7, "Rules of Practice in Contested Cases," and these two rulemaking actions, as well as a similar adoption by reference by the Natural Resource Commission, will proceed concurrently. The Notice of Intended Action will be placed on the October 2002 agenda for approval.

(A copy of the proposed rule is available in the Department's Record Center.)

Mike Murphy distributed a copy of the proposed rule and reviewed the proposed changes.

INFORMATION ONLY

MONTHLY REPORTS

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

| PROPOSAL | NOTICE TO COMMISSION | NOTICE PUBLISHED | ARC # | RULES REVIEW COMMITTEE | HEARING | COMMENT PERIOD | FINAL SUMMARY TO COMMISSION | RULES ADOPTED | RULES PUBLISHED | ARC # | RULES REVIEW COMMITTEE | RULE EFFECTIVE |
|---|----------------------|------------------|-------|------------------------|--------------------|----------------|-----------------------------|---------------|-----------------|-------|------------------------|----------------|
| 1. Ch. 20, Ch. 28 Ambient Air Quality Standards (CAFO) | 7/22/02 | 8/21/02 | 18768 | 9/10/02 | 9/11/02, 30/10/02 | 10/04/02 | *10/21/02 | *10/21/02 | *11/13/02 | | *12/03/02 | *12/18/02 |
| 2. Ch. 22 Definition of Stationary Source Categories | 5/20/02 | 6/12/02 | 17108 | 7/09/02 | 7/11/02 | 7/26/02 | *10/21/02 | *10/21/02 | *11/13/02 | | *12/03/02 | *12/18/02 |
| 3. Ch. 28 Ambient AQ Sampling Manual | 8/19/02 | 9/18/02 | | *10/01/02 | 10/08/02, 15/23/02 | 11/01/02 | *11/18/02 | *11/18/02 | *12/11/02 | | *1/07/03 | *1/15/03 |
| 4. Ch. 30 Private water well Construction Permits | 4/15/02 | 5/15/02 | 16198 | 6/11/02 | 6/14/02, 11/13/02 | 6/07/02 | *10/21/02 | *10/21/02 | *11/13/02 | | *12/03/02 | *12/18/02 |
| 5. Ch. 60, 62, 63 Federal Effluent and Pretreatment Standards | | | | | | | 9/16/02 | *9/16/02 | *10/16/02 | | *11/05/02 | *11/20/02 |
| 6. Ch. 60, Ch. 64 Stormwater Regulation Amendments | 6/17/02 | 7/10/02 | 17788 | 8/13/02 | 8/16/02 | 8/16/02 | 9/16/02 | *9/16/02 | *10/16/02 | | *11/05/02 | *11/20/02 |
| 7. Ch. 64 Wastewater Construction & Operation Permits | 4/15/02 | 5/15/02 | 16208 | 6/11/02 | 6/04/02 | 6/04/02 | 7/22/02 | 7/22/02 | 8/21/02 | 1877B | 9/10/02 | *9/25/02 |
| 8. Ch. 65 Animal Feeding Operations Interim Matrix | | | | | | | 7/22/02 | 7/22/02 | 8/21/02 | 1899B | 9/10/02 | 8/02/02 |
| 9. Ch. 65 Animal Feeding Operations Interim Matrix | 7/22/02 | 8/21/02 | 18788 | 9/10/02 | 9/10/02 | 9/10/02 | *10/14/02 | *10/14/02 | *11/13/02 | | *12/03/02 | *12/18/02 |
| 10. Ch. 65 Animal Feeding Operations County Construction | | | | | | | | | | | | |

| Evaluation Resolutions | 8/19/02 | 9/18/02 | | *10/01/02 | 10/08/02 | 10/08/02 | *11/18/02 | *11/18/02 | *12/11/02 | | *1/07/03 | *1/15/03 |
|--|---------|-----------|-------|-----------|-----------------|----------|-----------|-----------|-----------|-------|-----------|-----------|
| 11. Ch. 82 Well Contractor Certification | 4/15/02 | 5/15/02 | 16188 | 6/11/02 | 6/4/6, 11-13/02 | 6/07/02 | *10/21/02 | *10/21/02 | *11/13/02 | | *12/03/02 | *12/18/02 |
| 12. Ch. 102 Permits; Ch. 103 Sanitary Landfills (Resealed); Ch. 103 SLF: Coal Combustion Residue; Ch. 110 Design, Construction and Operation Standards for Solid Waste Management Facilities; Ch. 112 SLF: Biosolids Monofills; Ch. 113 SLF: Municipal Solid Wastes; Ch. 114 SLF: Construction and Demolition Waste; Ch. 115 SLF: Industrial Monofills | 8/19/02 | 9/18/02 | | *10/01/02 | 10/08/02 | 10/08/02 | *11/18/02 | *11/18/02 | *12/11/02 | | *1/07/03 | *1/15/03 |
| 13. Ch. 107 Beverage Container Rules | 9/16/02 | *10/16/02 | | | | | *12/16/02 | *12/16/02 | *1/08/02 | | *2/04/02 | *2/12/02 |
| 14. Ch. 117 Waste Tire Management (Open Burning) | | | | | | | 7/22/02 | 7/22/02 | 8/21/02 | 1898B | 9/10/02 | 8/02/02 |
| 15. Ch. 118 Discarded Appliance Demanufacturing | 3/18/02 | 4/17/02 | 15408 | 5/15/02 | 5/14/02 | 5/14/02 | *10/21/02 | *10/21/02 | *11/13/02 | | *12/03/02 | *12/18/02 |
| 16. Ch. 133 Rules for Determining Clean-up Actions & Responsible Parties | 5/20/02 | 6/12/02 | 17118 | 7/09/02 | 7/02/02 | 7/02/02 | 8/19/02 | 8/19/02 | 9/18/02 | | *10/08/02 | *10/23/02 |

Monthly Variance Report

August, 2002

| Item No. | Facility | Program | Engineer | Subject | Decision | Date |
|----------|---|-------------------------|-------------------------|---------------------------------|----------|----------|
| 1 | John Deere Ottumwa Works | Air Quality | Howard R. Green Company | Permit Requirements | Approved | 08/23/02 |
| 2 | Metzeler Automotive Profile Systems-Keokuk | Air Quality | | Permit Requirements | Approved | 08/07/02 |
| 3 | Quad County Corn Processors Cooperative-Galva | Air Quality | | Permit Requirements | Approved | 08/01/02 |
| 4 | Corning, City of | Wastewater Construction | Howard R. Green Company | Bar Racks and Screens | Approved | 08/26/02 |
| 5 | Lincoln, City of-Central Iowa Water Association | Wastewater Construction | Garden & Associates | Minimum Sewer Size | Approved | 08/12/02 |
| 6 | Lincoln, City of-Central Iowa Water Association | Wastewater Construction | Garden & Associates | Manhole Spacing | Approved | 08/12/02 |
| 7 | Lincoln, City of-Central Iowa Water Association | Wastewater Construction | Garden & Associates | Directional Boring, Sewer Slope | Approved | 08/12/02 |
| 8 | Lincoln, City of-Central Iowa Water Association | Wastewater Construction | Garden & Associates | Pump Clogging Protection | Approved | 08/12/02 |
| 9 | Olson Hog Facility-Hamilton County | Animal Feeding | | Drain Tile Investigation | Approved | 08/23/02 |

| | | | | | | |
|----|---|--------------------------|--|-------------------------|----------|----------|
| 10 | Coralville, City of | Flood Plain | Shoemaker & Haaland Professional Engineers | Freeboard | Approved | 08/16/02 |
| 11 | Easter Lake Retention Basins-Dam 10-Polk County | Flood Plain | Snyder & Associates | Storm/Storage Capacity | Approved | 08/01/02 |
| 12 | Muscataine, City of | Flood Plain | R.L.Childs, P.E. | Freeboard | Approved | 08/23/02 |
| 13 | St. Andrews Golf Course-Linn County | Flood Plain | Howard R. Green Company | Freeboard | Approved | 08/20/02 |
| 14 | Southpark Mobile Home Park-Hardin County | Wastewater Operation | | Operation Mode | Approved | 08/12/02 |
| 15 | Fort Dodge Animal Health-Fort Dodge | Solid Waste | | Compost | Approved | 08/20/02 |
| 16 | West Okoboji Harbor Association-Spirit Lake | Watersupply Construction | PMC Engineering | Installation Procedures | Approved | 08/01/02 |
| 17 | West Okoboji Harbor Association-Spirit Lake | Watersupply Construction | PMC Engineering | Siting Criteria | Approved | 08/01/02 |

During the period August 1, 2002, through August 31, 2002, 65 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

| Month | Total Incidents | Agri-chemical | Petroleum Products | Other Chemicals | Transport Facility | Fixed | Pipeline | Railroad | Fire | Other* |
|----------|-----------------|---------------|--------------------|-----------------|--------------------|---------|----------|----------|-------|--------|
| October | 73 (133) | 9 (12) | 51 (93) | 13 (27) | 28 (50) | 36 (68) | 2 (2) | 0 (1) | 2 (3) | 5 (9) |
| November | 72 (130) | 8 (12) | 49 (89) | 15 (29) | 28 (47) | 33 (65) | 2 (2) | 1 (5) | 0 (1) | 8 (10) |
| December | 57 (101) | 2 (2) | 44 (72) | 11 (27) | 22 (32) | 28 (59) | 2 (2) | 0 (1) | 2 (2) | 3 (5) |
| January | 81 (55) | 4 (7) | 59 (36) | 18 (12) | 21 (13) | 53 (33) | 0 (0) | 3 (0) | 0 (0) | 4 (9) |
| February | 62 (58) | 4 (0) | 44 (43) | 14 (15) | 20 (14) | 37 (36) | 1 (0) | 2 (4) | 1 (1) | 1 (3) |
| March | 93 (80) | 8 (3) | 68 (55) | 17 (22) | 27 (21) | 57 (48) | 1 (1) | 1 (2) | 3 (2) | 4 (6) |
| April | 155 (126) | 47 (32) | 83 (71) | 24 (23) | 44 (35) | 99 (78) | 2 (3) | 1 (4) | 5 (1) | 4 (5) |
| May | 112 (113) | 29 (24) | 73 (65) | 10 (24) | 22 (28) | 81 (71) | 0 (3) | 2 (3) | 0 (1) | 7 (7) |
| June | 117 (92) | 20 (17) | 79 (59) | 18 (16) | 31 (25) | 70 (58) | 6 (1) | 0 (3) | 1 (0) | 9 (5) |
| July | 100 (68) | 6 (7) | 71 (50) | 23 (11) | 21 (19) | 72 (37) | 3 (0) | 1 (2) | 0 (1) | 3 (9) |

Environmental Protection Commission Minutes

September 2002

| | | | | | | | | | | |
|--------------|-------------------|------------------|------------------|------------------|------------------|------------------|----------------|----------------|----------------|----------------|
| August | 65 (93) | 5 (12) | 47 (62) | 13 (19) | 17 (19) | 45 (58) | 1 (4) | 1 (4) | 0 (1) | 1 (7) |
| September | 0 (66) | 0 (4) | 0 (40) | 0 (22) | 0 (22) | 0 (41) | 0 (0) | 0 (2) | 0 (1) | 0 (0) |
| Total | 987 (1115) | 142 (132) | 668 (735) | 176 (247) | 281 (325) | 611 (652) | 20 (18) | 12 (31) | 14 (14) | 49 (75) |

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

| | | | | | |
|----------|----------|----------|----------|----------|----------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 11 | 5 | 12 | 5 | 26 | 6 |

*The "Other" column includes the categories from the database of – Dumping, Fire, Theft, Vandalism, Unknown and Other".

During the period August 1, 2002, through August 31, 2002, 1 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

| Month | Total Incidents Impacts | Feedlot Application | Confinement Water | Land | Transport | Hog | Cattle | Fowl | Other | Surface |
|--------------|-------------------------|---------------------|-------------------|---------------|--------------|----------------|--------------|--------------|--------------|---------------|
| October | 4 (5) | 0 (0) | 2 (2) | 2 (2) | 0 (1) | 3 (4) | 0 (1) | 1 (0) | 0 (0) | 2 (1) |
| November | 9 (3) | 1 (0) | 2 (2) | 2 (1) | 4 (0) | 8 (3) | 1 (0) | 0 (0) | 0 (0) | 1 (1) |
| December | 3 (2) | 0 (0) | 2 (1) | 0 (1) | 1 (0) | 2 (2) | 0 (0) | 1 (0) | 0 (0) | 1 (0) |
| January | 1 (1) | 0 (0) | 1 (1) | 0 (0) | 0 (0) | 1 (1) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| February | 0 (4) | 0 (0) | 0 (4) | 0 (0) | 0 (0) | 0 (4) | 0 (0) | 0 (0) | 0 (0) | 0 (2) |
| March | 3 (2) | 0 (0) | 1 (1) | 1 (1) | 1 (0) | 2 (1) | 1 (1) | 0 (0) | 0 (0) | 1 (0) |
| April | 6 (6) | 0 (0) | 4 (3) | 1 (0) | 1 (3) | 6 (5) | 0 (1) | 0 (0) | 0 (0) | 3 (0) |
| May | 6 (3) | 0 (0) | 3 (3) | 3 (0) | 0 (0) | 2 (3) | 4 (0) | 0 (0) | 0 (0) | 3 (0) |
| June | 0 (2) | 0 (0) | 0 (2) | 0 (0) | 0 (0) | 0 (2) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| July | 4 (3) | 1 (0) | 2 (2) | 1 (1) | 0 (0) | 2 (3) | 2 (0) | 0 (0) | 0 (0) | 2 (2) |
| August | 1 (3) | 0 (1) | 1 (1) | 0 (0) | 0 (1) | 1 (3) | 0 (0) | 0 (0) | 0 (0) | 1 (2) |
| September | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) |
| Total | 37 (34) | 2 (1) | 18 (22) | 10 (6) | 0 (0) | 27 (31) | 8 (3) | 2 (0) | 0 (0) | 14 (8) |

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

| | | | | | |
|----------|----------|----------|----------|----------|----------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 0 | 0 | 0 | 0 | 0 | 1 |

The following new enforcement actions were taken last month:

| Name, Location and Field Office Number | Program | Alleged Violation | Action | Date |
|--|----------------------------|-----------------------------------|--------------------------|---------|
| Jeff Dean, Mills Co. (4) | Air Quality Solid Waste | Open Burning; Illegal Disposal | Order/Penalty \$1,200 | 7/30/02 |
| Worth County; Worth County Engineer (2) | Air Quality Solid Waste | Open Burning; Illegal Disposal | Order/Penalty \$750 | 8/19/02 |

| | | | | |
|--|----------------------------|-----------------------------------|---------------------------|---------|
| Mitchell County; Mitchell County Engineer (2) | Air Quality Solid Waste | Open Burning; Illegal Disposal | Order/Penalty \$750 | 8/19/02 |
| Manning, City of (4) | Wastewater | Compliance Schedule | Amended Order | 8/19/02 |
| Swan, City of (5) | Drinking Water | MCL – Bacteria | Order | 8/19/02 |
| Osage, City of (2) | Drinking Water | MCL – Bacteria | Order | 8/19/02 |
| Dale Schaffer, Union Co. | Air Quality Solid Waste | Open Burning; Illegal Disposal | Order/Penalty \$10,000 | 8/21/02 |

The following administrative penalties are due:

| NAME/LOCATION | PROGRAM | AMOUNT | DUE DATE |
|--|---------|--------|----------|
| Bill Dettman d/b/a Dettman Oil Co. (Fonda) | UT | 2,800 | 9-15-94 |
| M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center) | UT | 1,000 | 8-30-95 |
| Keith Owens and Howard Maurer (Wilton) | UT | 3,100 | 1-01-96 |
| Ronald Slocum; Tammy Lynn Determan (Marshall Co.) | SW | 10,000 | 5-24-97 |
| Sale-R-Villa Const., Inc. (Perry) | AQ | 7,000 | 4-28-98 |
| Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle) | WW | 1,500 | 5-05-98 |
| Otter Creek Station (Dubuque Co.) | WS | 325 | 3-04-99 |
| * Orrie's Supper Club, Inc. (Hudson) | WS | 390 | 6-01-99 |
| Charlie's Supper Club (Algona) | WS | 100 | 7-01-99 |
| Hidden Valley Mobile Home Court (Washington Co.) | WS | 200 | 7-26-99 |
| * Hidden Valley Mobile Home Park (Washington) | WW | 200 | 12-12-99 |
| * Minifarm Acres, Inc. (Cedar Co.) | WS | 375 | 1-29-99 |
| Dorchester Supper Club (Dorchester) | WS | 100 | 3-08-00 |
| Plain Salvage Inc. (Sac City) | AQ/SW | 10,000 | 5-12-00 |
| Don Casterline; Myron Casterline (Van Wert) | UT | 2,000 | 6-14-00 |
| R & R Ranch (Osceola) | WW | 10,000 | 8-30-00 |
| Robert Watson (Griswold) | UT | 1,700 | 9-03-00 |
| Mt. Joy Mobile Home Park (Davenport) | WS | 1,500 | 11-23-00 |
| Sac City, City of | WW | 2,400 | 1-01-01 |
| Country Stores of Carroll, Ltd. (Carroll) | UT | 4,700 | 1-17-01 |
| Alice Hillhouse; Hillhouse Real Estate Corp. (Denison) | UT | 3,000 | 2-28-01 |
| Paul Riha d/b/a Riha Auto Sales (Vining) | UT | 1,200 | 5-06-01 |
| Iowa Skate U (Iowa Falls) | WS | 500 | 5-11-01 |
| Dallas O'Neal; Linda O'Neal (Council Bluffs) | UT | 750 | 6-05-01 |
| Marvin Oberly (Burlington) | WW | 1,300 | 6-27-01 |
| Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids) | UT | 6,380 | 7-06-01 |
| David and Marie Phillips (Milo) | WW | 1,300 | 7-09-01 |
| T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly) | AQ | 2,000 | 7-28-01 |
| Keith Craig; The Farm (Council Bluffs) | UT | 3,890 | 8-08-01 |
| Carpenter Bar & Grill (Carpenter) | WS | 100 | 9-28-01 |
| Minnesota Rubber Company (Mason City) | AQ | 1,000 | 9-30-01 |
| * R.V. Hopkins, Inc. (Davenport) | AQ | Int. | 10-01-01 |
| Mark Buringrud fdba Carpenter Bar & Grill (Carpenter) | WS | 2,500 | 10-26-01 |
| Jerry Feilen and Rick Bain (Pottawattamie) | AQ/SW | 4,000 | 10-27-01 |

Environmental Protection Commission Minutes

September 2002

| | | | |
|--|-----------|--------|----------|
| Co.) | | | |
| Louisa County Regional Solid Waste Agency | SW | 1,250 | 10-27-01 |
| Bulk Petroleum Corp.; Break Point Stores #537 | UT | 1,000 | 12-02-01 |
| (Bondurant) | | | |
| Bulk Petroleum Corp.; Four Mile Texaco #536 | UT | 1,000 | 12-02-01 |
| (Des Moines) | | | |
| Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne | UT | 3,400 | 12-03-01 |
| # Dave Hansel (Hamilton Co.) | AFO | 1,300 | 1-26-02 |
| Crestview Trailer Park (Ames) | WS | 2,500 | 1-28-02 |
| Jolly Roger Recreation and Marine, Inc. | WW | 2,000 | 2-05-02 |
| (North Liberty) | | | |
| Coralville, City of | WW | 3,000 | 2-11-02 |
| # Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.) | AFO/SW | 2,500 | 2-14-02 |
| # Troy DeGroote; Casey DeGroote (Butler Co.) | AFO/AQ/SW | 1,100 | 3-08-02 |
| Days Inn 2 nd Addition (Williamsburg) | WS | 10,000 | 4-07-02 |
| * Steve Friesth (Webster Co.) | AQ/SW | 450 | 4-15-02 |
| * Kiefer Built, Inc. (Kanawha) | AQ | 5,000 | 5-30-02 |
| Iowa Coaches, Inc.; David Sherman (Dubuque) | UT | 3,960 | 5-03-02 |
| Patrick M. Pinney Contractors, Inc. (Sioux City) | AQ | 2,100 | 4-23-02 |
| Honey Creek Campground (Crescent) | WS | 1,000 | 4-30-02 |
| Moonshine Tap (New Hampton) | WS | 300 | 4-30-02 |
| Bubba's Bar & Grill (Cresco) | WS | 175 | 4-30-02 |
| Richard and Charlotte Caves (Oskaloosa) | HC | 10,000 | 5-03-02 |
| Iowa Skate U (Iowa Falls) | WS | 600 | 5-11-02 |
| # Practical Pig Corporation (Clinton Co.) | AFO | 2,000 | 5-26-02 |
| Ryan Barton; Theresa Barton (Kellerton) | AQ/SW | 1,000 | 5-27-02 |
| Mobile World, L.C. (Camanche) | WW | 2,000 | 5-27-02 |
| Vessel Systems, Inc. (Dubuque) | AQ | 10,000 | 5-31-02 |
| Oran Pub & Grill (Fairbank) | WS | 100 | 6-03-02 |
| * James Nizzi d/b/a Alice's Spaghettiland (Clive) | WS | 100 | 6-15-02 |
| * George Redman (Mitchellville) | AQ | 4,500 | 6-15-02 |
| John Jolin; Michael Kolbold (Sioux City) | UT | 5,760 | 6-23-02 |
| Ellis Implement, Inc.; Douglas Shaffer (Coggon) | UT | 2,170 | 6-25-02 |
| Richard Davis (Monroe Co.) | AQ | 8,000 | 6-25-02 |
| Sid's Gas & Groceries (Forest City) | WS | 200 | 6-26-02 |
| Coin, City of | WS | 250 | 6-28-02 |
| St. John's Lutheran Church (Greene) | WS | 250 | 7-02-02 |
| Dave Paplow (Indianola) | AQ/SW | 5,000 | 7-05-02 |
| Leonard Anderson (Linn Grove) | UT | 1,160 | 7-09-02 |
| Mitchell Town Pump (Mitchell) | WS | 500 | 7-09-02 |
| Air Bears II (Thompson) | WS | 300 | 7-13-02 |
| Robert Marburger (Sabula) | UT | 2,940 | 7-15-02 |
| # John C. Kelso (Worth Co.) | AFO | 1,500 | 7-29-02 |
| *#Roger Bockes, et. al. (Tama Co.) | AFO | 1,900 | 8-01-02 |
| Stone Investments, L.C.; A-Line Iron & Metals (Waterloo) | AQ | 1,000 | 8-06-02 |
| Meadow Mist Motel (Fayette Co.) | WS | 500 | 8-12-02 |
| Jerry Chatfield; North Iowa Truck and Tractor (Floyd) | SW/WW | 3,000 | 8-18-02 |
| Rocky Knoll Mobile Home Park (Forest City) | WS | 10,000 | 8-18-02 |
| M-F Real Estate; Fred "Butch" Levell (Carter | HC | 3,200 | 8-18-02 |

E02Sep-27

| | | | |
|--|--------------|----------------|----------|
| Lake) | | | |
| # Mark Pearson (Adams Co.) | AFO | 250 | 8-23-02 |
| Timothy Eischeid (Carroll Co.) | SW | 2,000 | 8-25-02 |
| Park View Motel (Oelwein) | WS | 750 | 9-06-02 |
| * Duane Hanson d/b/a Cedar Valley Tire Recycling | SW | 1,750 | 9-15-02 |
| (Allamakee Co.) | | | |
| * Winter Mobile Home Park (New Hampton) | WS | 1,750 | 9-15-02 |
| * Paul L. Nagle (Clear Lake) | AQ | 1,000 | 9-15-02 |
| * Goldsmith and Son, Inc.; Goldsmith Trucking (Sgt. Bluff) | AQ | 1,500 | 9-15-02 |
| Brett George d/b/a Cedar Valley Tree Service; John Sohm | AQ/SW | 1,750 | 9-15-02 |
| Midway Oil Co.; David Requet (Davenport) | UT | 6,430 | 9-20-02 |
| Poweshiek Water Assoc. (Benton Co.) | WW/HC | 10,000 | 9-21-02 |
| # Futura Dairy, LLP (Linn Co.) | AFO | 5,000 | 9-22-02 |
| Bog's Bar (Langworth) | WS | 400 | 9-23-02 |
| Dan Carnicle; Beaver Service & Repair; Sharon Carnicle | UT | 2,500 | 10-04-02 |
| Peter Cook (Grand Mound) | AQ/SW | 5,000 | 10-04-02 |
| # Kenneth Dahlhauser (Whittemore) | AFO | 2,500 | 10-04-02 |
| Jeff Dean (Mills Co.) | AQ/SW | 1,200 | 10-08-02 |
| Mitchell County; Mitchell County Engineer | AQ/SW | 750 | 10-23-02 |
| Worth County; Worth County Engineer | AQ/SW | 750 | 10-23-02 |
| Braddyville, City of | WW | 3,500 | 10-31-02 |
| * Quality Mat Co., Inc. (Waterloo) | AQ | 5,696 | 12-01-02 |
| Midwest Farmers Coop (Sheldon) Natural Resources Damages | WW | 75,000 | 6-30-03 |
| # Rome Pork, L.L.C.; William Huber (Jefferson Co.) | AFO | 2,000 | ----- |
| Independence Mobile Home Park (Independence) | WS | 800 | ----- |
| Deer Ridge Estates (Ottumwa) | WS | 100 | ----- |
| Alva Parker (Ringgold and Union Co.) | AQ/SW | 10,000 | ----- |
| Dale Schaffer (Union Co.) | AQ/SW | 10,000 | ----- |
| | TOTAL | 361,651 | |

The following cases have been referred to the Attorney General:

| | | | |
|--|-------|--------|----------|
| Donald P. Ervin (Ft. Dodge) | SW | 669 | 3-05-90 |
| Robert and Sally Shelley (Guthrie Center) | SW | 1,000 | 3-04-91 |
| Verna and Don Reed; Andrea Silsby (Union Co.) | SW | 1,000 | 4-07-94 |
| Relative, Inc.; Doug Smuck (Des Moines) | UT | 3,070 | 10-11-94 |
| Relative, Inc.; Doug Smuck (Des Moines) | UT | 600 | 10-11-94 |
| Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia) | UT | 840 | 11-01-94 |
| Paul Underwood d/b/a Underwood Excavating (Cedar Rapids) | AQ | 4,000 | 3-24-95 |
| Oscar Hahn (Solon) | AQ/SW | 2,000 | 8-29-95 |
| Randy Ballard (Fayette Co.) | FP | 2,000 | 5-30-95 |
| Long Branch Tavern (Monmouth) | WS | 100 | 5-01-96 |
| Long Branch Tavern (Monmouth) | WS | 6,400 | 10-28-96 |
| Long Branch Tavern (Monmouth) | WS | 200 | 3-18-97 |
| Dean Williams d/b/a Williams Oil Co. (Stuart) | UT | 4,800 | |
| Don Grell d/b/a Dodger Enterprises (Ft. Dodge) | AQ | 10,000 | 2-16-93 |

Environmental Protection Commission Minutes

September 2002

| | | | |
|--|----------|--------|----------|
| Robert Jeff White (Dallas Co.) | AQ/SW | 10,000 | 7-14-97 |
| Edward Bodensteiner (Des Moines) | UT | 3,200 | 3-31-96 |
| James LaFollette d/b/a Jim's Tree Service; Kurt | AQ/SW | 2,000 | 2-16-98 |
| Douglas (Marion Co.) | | | |
| *Ken Frese (Keokuk Co.) | AQ/SW | 175 | 1-09-97 |
| Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.) | SW | 6,000 | 1-20-96 |
| Patrick McCoy (Keokuk Co.) | AQ/SW | 2,000 | 2-10-96 |
| Russell Barkema d/b/a Barkema Construction (Wright Co.) | AQ/SW | 1,000 | 3-31-98 |
| Action Jack's Paintball Park (Polk Co.) | SW/FP | 10,000 | 11-07-98 |
| #*Harold Unternahrer (Washington Co.) | AFO | 700 | 5-01-99 |
| Hofer's Danceland Ballroom (Walford) | WS | 3,200 | 4-19-97 |
| Hofer's Danceland Ballroom (Walford) | WS | 100 | 4-23-99 |
| Ray Stamper; Bryan Zenor (Polk Co.) | SW | 2,000 | 12-12-98 |
| Russell Zook d/b/a Haskin's Recycling (Washington Co.) | AQ/SW | 5,000 | 12-19-98 |
| Phillips Recycling; Jeff Phillips (Story Co.) | WW | 1,800 | 3-06-99 |
| Greg Morton; Brenda Hornyak (Decatur Co.) | SW/AQ/WW | 3,000 | 11-04-98 |
| Jim Walker (Johnson Co.) | AQ/SW | 3,000 | 2-14-99 |
| Iowa Millenium Investors, LLC (Sumner) | UT | 4,000 | 10-12-99 |
| Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola) | UT | 10,000 | |
| Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; | AQ/SW | 1,000 | 7-01-00 |
| Clara Lindstadt (Des Moines Co.) | | | |
| Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids) | SW | 5,000 | 1-23-00 |
| Organic Technologies Corp.; Tim Danley; Ken Renfro | SW/WW | 10,000 | 5-26-00 |
| (Warren Co.) | | | |
| * Lester Holmes; Todd Holmes (Lucas County) | AQ | 4,000 | 10-15-00 |
| James Harter (Fairfield) | WW | 1,800 | 1-29-00 |
| Crestview Mobile Home Park (Ames) | WW | 10,000 | 8-30-00 |
| 10 th Hole Food & Spirits (Calamus) | WS | 1,000 | 3-14-00 |
| Lindahl & Sons Salvage (Boone) | AQ/SW | 10,000 | 11-29-00 |
| West Liberty, City of | WW | 5,000 | |
| Wisconsin North dba National Petroleum, Inc. (Clinton) | UT | 5,000 | 8-04-01 |
| Wisconsin North dba National Petroleum (Clinton) | UT | 2,840 | 8-21-01 |
| Michael Bauer (Davenport) | UT | 5,100 | 3-13-01 |
| Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley) | AQ | 4,500 | 8-01-01 |
| Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.) | SW | 10,000 | 9-18-01 |

TOTAL 179,094

The following administrative penalties have been appealed:

| NAME/LOCATION | PROGRAM | AMOUNT |
|---|---------|--------|
| Titan Wheel International, Inc. (Walcott) | WW | 10,000 |
| Dennis Malone & Joanne Malone (Morning Sun) | UT | 600 |
| Dallas County Care Facility (Adel) | WW | 2,500 |

| | | |
|---|-------|--------|
| Richard Sprague (Tripoli) | AQ/SW | 5,000 |
| Bellevue Golf Club, Inc. (Bellevue) | WS | 300 |
| Brittany Estates Addition (Manchester) | WS | 4,000 |
| Robert Frees; Elizabeth Mathes (Washington Co.) | SW | 1,000 |
| Robert Diehl (Clarke Co.) | WW/WS | 5,000 |
| * Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.) | SW | 5,000 |
| # Bernadette Ryan (Delaware Co.) | AFO | 3,000 |
| Dayton, City of | WW | 10,000 |
| Gerald and Judith Vens (Scott Co.) | FP | 5,000 |
| Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison) | AQ | 10,000 |
| Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills) | WS | 1,000 |
| # Robert Fisher (Hamilton Co.) | AFO | 3,000 |
| # Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.) | AFO | 3,000 |
| # Leo Pieper (Guthrie Co.) | AFO | 2,500 |
| # Dan Witt (Clinton Co.) | AFO | 3,000 |
| Twin Anchors R.V. Resort, Inc. (Story Co.) | WW | 5,000 |
| # Thomas and Jane Kronlage (Coggon) | AFO | 3,000 |
| The Farmers Co-Operative Society d/b/a Wesley Coop | AQ | 5,000 |
| Freisen of Iowa, Inc. (Storm Lake) | AQ | 10,000 |
| Linwood Mining & Minerals Co. (Davenport) | AQ | 10,000 |
| Duane Crees (Muscatine Co.) | AQ/SW | 1,160 |
| R. Excavating, Inc.; Randy Golden (Pottawattamie Co.) | WW | 10,000 |
| # Floyd Kroeze (Butler Co.) | AFO | 3,000 |
| Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.) | WW/SW | 1,000 |
| Onawa Country Club (Onawa) | WS | 1,500 |
| # Burco Farms, Inc. (Buchanan Co.) | AFO | 3,000 |
| Wayne Wheatley; Wheatley Auto and Truck Service (Walnut) | UT | 3,900 |
| Eagle Investors dba Manson Ampride (Manson) | UT | 4,650 |
| Noble Ford Mercury, Inc. (Indianola) | WW | 5,000 |
| John Hoth (Tama) | UT | 9,250 |
| Tama Beef Packing, Inc. (Tama) | WW/SW | 1,000 |
| Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines) | UT | 1,600 |
| Midland Transportation Co. (Marshalltown) | UT | 4,460 |
| Midway Oil Company (West Branch) | UT | 7,300 |
| Midway Oil Company (Davenport) | UT | 5,790 |
| Long Branch Maintenance Corp. (Earlham) | WW | 5,000 |
| Trajet Products, Inc. (Glenwood) | AQ | 10,000 |
| Earlham, City of | WW | 10,000 |
| Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama) | UT | 10,000 |
| Lawrence Korver d/b/a Korver Development (Orange City) | WW | 5,000 |
| Sir Fredericks, Inc.; Fred Scherle (Ankeny) | UT | 2,280 |
| Feeders Grain Supply; James & Carolyn Curtis | WW/HC | 6,000 |

Environmental Protection Commission Minutes

September 2002

| | | |
|---|-------|--------|
| (Corning) | | |
| LeMars, City of | WW | 10,000 |
| Dallas County Care Facility (Adel) | WW | 5,000 |
| # Max and Phyllis Graber; Burdean Graber | AFO | 2,000 |
| (Washington Co.) | | |
| Joe & Mary Schuster d/b/a Better-Flo | AQ/SW | 1,000 |
| (Callendar) | | |
| Keith Shoterau; Hopp Construction Co. (Shelby Co.) | WW | 5,000 |
| Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons | WW | 10,000 |
| (Whispering Woods - Council Bluffs) | | |
| Robert Ward (Lee Co.) | WW | 1,450 |
| Partners Four Investments, Inc. (Marble Rock) | UT | 5,280 |
| Van Meter Development Corp.; Whispering Pines | WW | 4,000 |
| (Van Meter) | | |
| Adrian Skoda; Bowlaway Lanes (New Hampton) | WS | 500 |
| Sapp Bros. Truck Stops, Inc. (Percival) | WS | 10,000 |
| Mike Messerschmidt (Martinsburg) | AQ/SW | 500 |
| Well's Dairy, Inc. (LeMars) | WW | 10,000 |
| William Habhab (Fort Dodge) | SW | 1,500 |
| Big Rock Country Club (Fayette Co.) | WS | 1,500 |
| # Lawrence Handlos (Audubon Co.) | AFO | 3,000 |
| # Kris King (Audubon) | AFO | 500 |
| Dennis Frederickson; Mark Frederickson (Cass Co.) | AQ/SW | 5,000 |
| M.A., Inc.; Spring Grove Mobile Home Park | WW | 10,000 |
| (Burlington) | | |
| M.A., Inc.; Westside Park for Mobile Homes | WW | 10,000 |
| (Lee Co.) | | |
| Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash | WW | 10,000 |
| Minden, City of | WW | 3,000 |
| Jones Co. Conservation Board; Central Park | WS | 250 |
| Arthur, City of | WW | 2,000 |
| # Avery Feeder Pig Co. (Humboldt Co.) | AFO | 3,000 |
| Wellington Environmental (Davenport) | AQ | 4,000 |
| # Swine Graphic Enterprises; ADL V Sow Farm | AFO | 1,000 |
| (Clarke Co.) | | |
| James Wilson; Retha Wilson; William Wilson | UT | 4,740 |
| (Shenandoah) | | |
| Emer Carlson (Fairfield) | AQ | 6,500 |
| Deer Track Subdivision; F & J Enterprises | WW | 4,000 |
| (Mills Co.) | | |
| ITWC, Inc. (Brooklyn) | AQ | 7,500 |
| Marion F. Murray; Murray's Transfer & Storage | UT | 2,480 |
| (Davenport) | | |
| Wellington Environmental (Iowa City) | AQ | 1,000 |
| Grinnell Properties, Inc.; David Hamilton | UT | 5,920 |
| (Grinnell) | | |
| Kevin Wallerich (Keota) | SW/WW | 500 |
| # Frank Siemans (Wright Co.) | AFO | 3,000 |
| # Doug Wedemeyer (Adair Co.) | AFO | 2,500 |
| Allison, City of | AQ | 10,000 |
| Cordes Excavating; Clint Cordes (Allison) | AQ | 1,000 |
| Waukon Golf and Country Club (Waukon) | UT | 2,480 |

| | | |
|--|-------|----------------|
| Thombert, Inc. (Newton) | AQ | 5,000 |
| College Pro Painters (U.S.), Ltd. (Ames) | WW | 10,000 |
| Nevada, City of | WW | 9,000 |
| Mt. Pleasant, City of | WW | 500 |
| Lehigh Portland Cement Co. (Mason City) | WS | 300 |
| # Jason Strike (Allamakee Co.) | AFO | 1,200 |
| Garry B. Pellett; Pellett Chemical Co.; | UT | 2,645 |
| Charles R. South | | |
| Clifton Clark (Moorhead) | AQ/SW | 1,500 |
| TOTAL | | 419,035 |

The following administrative penalties were paid last month:

| NAME/LOCATION | PROGRAM | AMOUNT |
|--|---------|---------------|
| Charles Lakin d/b/a Charles Lakin Ent. (Franklin Co.) | SW | 1,500 |
| Nichols Aluminum Casting (Davenport) | AQ | 8,000 |
| Davis City, City of (Stipulated Penalty) | WW | 2,000 |
| # Paul Johannes (Adams Co.) | AFO | 500 |
| Wellman Dynamics; Fansteel Wellman Dynamics (Creston) | AQ | 2,500 |
| Seymour, City of | AQ | 700 |
| Mt. Pleasant, City of | WW | 500 |
| * Paul L. Nagle (Clear Lake) | AQ | 100 |
| Lisa Collins d/b/a Collins Quality Cleaners (Ft. Madison) | AQ | 1,000 |
| * Winter Mobile Home Park (New Hampton) | WS | 200 |
| # Breezy Acres, Inc. (Winnebago Co.) | AFO | 3,000 |
| Brett George d/b/a Cedar Valley Tree Service; John Sohm | AQ/SW | 1,750 |
| R.V. Hopkins, Inc. (Davenport) | AQ | 1,000 |
| Mid-States Asbestos Removal, Inc. (Sioux City) | AQ | 2,000 |
| * Goldsmith and Son, Inc.; Goldsmith Trucking (Sgt. Bluff) | AQ | 750 |
| TOTAL | | 25,500 |

| Name, Location, and Region Number | Program | Alleged Violation | DNR Action | New or Updated Status | Date |
|------------------------------------|-------------|-------------------|------------------------------|-------------------------------------|----------|
| ABC Disposal Systems Hiawatha (1) | Solid Waste | DNR Defendant | Defense | Petition Filed | 6/26/02 |
| Affordable Asbestos Removal, Inc.; | | | | Referred | 3/20/00 |
| Jeffrey Intelkofer | Air Quality | Asbestos | Referred to Attorney General | Petition Filed | 4/19/00 |
| Iowa City (6) | | | | Motion for Partial Summary Judgment | 2/26/01 |
| | | | | Ruling Denying Motion | 4/20/01 |
| | | | | Trial Date | 12/09/02 |
| Affordable Asbestos Removal, Inc. | | | | Petition Filed | 12/28/00 |
| Jeffrey Intelkofer | Air Quality | DNR Defendant | Defense | Answer | 1/18/01 |
| Iowa City (6) | | | | Ruling | 7/09/01 |
| | | | | Defendant's Notice of Appeal | 7/30/01 |
| | | | | State's Brief | 6/06/02 |
| | | | | Defendant's Brief | 6/07/02 |

Environmental Protection Commission Minutes

September 2002

| | | | | | | |
|--|-----|--------------------------------|--|------------------------------------|---|---|
| Bauer, Michael Davenport UPDATED | (6) | Underground Tank | Site Assessment | Order/ Penalty | Referred Petition Filed | 2/18/02 8/08/02 |
| Bee Rite Tire Disposal, Inc. Rhodes, State Center (5) | | Solid Waste | Solid Waste Violations | Order/ Penalty | Referred | 5/20/02 |
| BCD Corporation Council Bluffs (4) | | Wastewater | Operation Without Permit; Pollution Prevention Plan Violation | Order | Referred | 7/22/02 |
| Golden, Randy S.; R. Excavating Council Bluffs (4) | | Wastewater | DNR Defendant | Defense | Petition Filed Answer | 4/16/02 5/09/02 |
| Huyser, James; Trust Trucking Lovilia (5) | | Underground Tank | Site Assessment | Referred to Attorney General | Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed | 11/21/94 4/18/96 9/20/96 9/20/96 |
| Indian Creek Corp. Jasper Co. (5) | | Animal Feeding Operation | Failure to Retain; Freeboard Violations; Failure to Have Approved MMP | Referred to Attorney General | Referred Petition Filled Motion for Partial Summary Judgment Hearing Ruling Denying Partial Summary Judgment Trial Judgment (\$95,000/Civil-Injunction) Appealed to Supreme Court | 4/17/00 9/27/00 8/10/01 9/11/01 9/14/01 10/24,25/01 11/19/01 1/09/02 |
| Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4) | | Animal Feeding Operation | Prohibited Discharge – Confinement | Referred to Attorney General | Referred | 2/18/02 |
| Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1) | | Solid Waste | Illegal Disposal | Order /Penalty | Referred Petition | 4/17/99 6/01/01 |
| Lehigh Portland Cement Co. Mason City (2) UPDATED | | Air Quality | Construction Without Permit | Referred to Attorney General | Referred Petition Filed Trial Date Trial Continued | 8/17/98 11/05/99 10/29/02 |
| Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5) | | Air Quality Solid Waste | Open Burning Illegal Disposal | Order/ Penalty | Referred | 5/21/01 |
| Matrix Metal, LLC d/b/a Keokuk Steel Castings | | | | Referred to | | |

| | | | | | |
|--|------------------|---|------------------------------|---|--|
| Keokuk (6) | Air Quality | Emission Limits | Attorney General | Referred | 1/22/02 |
| Mills County Landfill Association Mills Co. (4) | Solid Waste | DNR Defendant | Defense | Petition Filed Intervention by Iowa Waste Systems | 9/26/01 5/02/02 |
| Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5) | Solid Waste | Illegal Disposal | Order/ Penalty | Referred | 2/15/99 |
| Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5) | Wastewater | Discharge Limits | Order/ Penalty | Referred Petition Filed | 2/19/01 3/20/02 |
| Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5) | Solid Waste | Permit Violations | Referred to Attorney General | Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) | 12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 |
| Severson, Dennis d/b/a Huxley Dry Cleaners Huxley (5) | Air Quality | Operational Violations | Order/ Penalty | Referred | 3/18/02 |
| Thomas, Donald L. and Barbara S. Linn Co. | Solid Waste | DNR Defendant | Defense | Petition for Judicial Review Answer | 9/21/01 10/29/01 |
| West Liberty, City of (6) | Wastewater | Discharge Limits; Operational Violations | Order/ Penalty | Referred Petition Filed Trial Date | 7/16/01 1/30/02 1/21/03 |
| Williams Pipeline Company LLC Waterloo/Dubuque/Milford (1, 3) UPDATED | Air Quality | Construction Without Permit | Order | Referred Petition Filed | 7/16/01 8/07/02 |
| Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997, 8606993, 8606996 Clinton (6) UPDATED | Underground Tank | UST Closure; Site Check | Order/ Penalty | Referred Motion for Judgment Hearing Date | 1/22/02 7/26/02 10/23/02 |
| Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel | Underground Tank | Site Assessment | Referred to Attorney | Referred Motion for Judgment Consent Decree (\$6,400/Admin.) | 1/17/95 8/28/96 12/13/96 |

Environmental Protection Commission Minutes

September 2002

Battle Creek (3)
UPDATED

| | | |
|---------|---|----------|
| General | Referred | 3/30/98 |
| | Petition Filed | 9/01/00 |
| | Defendant's Motion to Dismiss | 9/08/00 |
| | State's Resistance | 9/19/00 |
| | Denial of Defendant's Motion to Dismiss | 11/07/00 |
| | Motion for Partial Summary Judgment | 2/16/01 |
| | Hearing | 4/26/01 |
| | Order Granting Partial Summary Judgment | 5/09/01 |
| | Notice of Appeal | 6/07/01 |
| | State's Motion to Dismiss | 6/18/01 |
| | Defendant's Motion to Dismiss | 6/19/01 |
| | State's Resistance | 6/20/01 |
| | Defendant's Dismissal of Appeal | 7/06/01 |
| | Order Denying Defendant's Motion to Dismiss | 7/20/01 |
| | Contempt Order | 2/12/02 |
| | Consent Order (\$5,000/Civil; \$4,400/Admin.; Injunction) | 7/18/02 |

| Date Received | Name of Case | FO | Action Appealed | Program | Assigned To | Status |
|---------------|---|----|---------------------------|---------|-------------|---|
| 11/03/89 | Bridgestone/Firestone, Inc. | 5 | Site Registry | HC | Tack | Hearing continued pending negotiations. Settlement proposed 8/96. 7/19/02 – Re-engagement letter and renewal of settlement offer sent 7/19/02. |
| 7/02/90 | Keokuk Savings Bank and Trust; Keokuk Coal Gas Site | 6 | Site Registry | HW | Tack | Hearing continued. Status report requested from land quality bureau on 12/1/99. |
| 7/30/90 | Key City Coal Gas Site; and Howard Pixler | 1 | Site Registry | HW | Tack | Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99. |
| 5/12/92 | Paris & Sons, Inc. | 1 | Site Registry | HC | Wornson | Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment. |
| 4/05/93 | Mapleton, City of | 4 | WW Operator Certification | WW | Hansen | 7/01 – City referred for Admin. Order for wastewater violations. 3/29/02 – Dept. engineer reviewing information submitted by City. Status report requested. |
| 10/07/94 | Titan Wheel International | 6 | Admin. Order/Penalty | WW | Hansen | 1/31/02 – Dept. letter to company regarding resolution of appeal. 2/7/02 – Call from company attorney regarding letter. 3/29/02 – Dept. follow-up letter regarding prior letter. |
| 9/20/95 | FKI Industries, Inc.; Fairfield Aluminum, Inc. | 6 | Admin. Order | WW/HC | Tack | 7/25/02 – Settlement offer sent. |
| 1/25/96 | Hidden Valley Mobile Home Park | 6 | Admin. Order/Penalty | WW | Clark | 8/28/02 Penalty settlement offer request/notice of transfer to DIA sent to appellant. |
| 7/22/97 | Robert P. Frees; Elizabeth R. Mathes | 6 | Admin. Order/Penalty | SW | Tack | Settlement reached. Cleanup underway. |
| 1/16/98 | Pilgrim Heights Camp | | NPDES Permit Conditions | WW | Hansen | 5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal. |
| 10/08/98 | West Liberty, City of | 6 | Admin. | WW | Hansen | 6/28/01 – Proposed referral concerning |

| | | | | | | |
|----------------------|--|---|-------------------------------------|-------|----------|---|
| | | | Order/Penalty | | | NPDES permit violations to be place on July EPC agenda. 7/16/01 – Referral to AG office by EPC. 1/30/02 – District court petition filed by AG's office. 7/02 – Settlement offer under consideration by City concerning AG referral and Dept. appeal. |
| 11/30/98 | Robert Diehl | 5 | Admin. Order/Penalty | WW/WS | Murphy | 5/1/01 – Preliminary engineering report approved 3/01. NPDES permit issued 3/28/02 with compliance schedule. Will monitor for compliance. |
| 12/16/98 | Richard Swailes | | Permit Denial | FP | Clark | Hearing set for 10/4/02. |
| 1/13/99 | Bernadette Ryan | 1 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 3/04/99 | Dayton, City of | 2 | Admin. Order/Penalty | WW | Murphy | 2/14/02 Amended order. New facilities to be completed this year. |
| 3/18/99 | Ag Processing, Inc. (Sergeant Bluff) | | Title V Operation Permit Conditions | AQ | Preziosi | 7/02 – One issue of appeal remains to be settled. |
| 4/26/99 | Gerald and Judith Vens | 6 | Admin. Order/Penalty | FP | Clark | Negotiating before filing. |
| 7/19/99 | Celotex Corp. (Ft. Dodge) | 2 | Permit Conditions | AQ | Preziosi | Settled in concept. Need to finalize. |
| 7/27/99 | Affordable Asbestos Removal; Jeffry Intlekofer | 6 | Admin. Order/Penalty | AQ | Book | Hearing held 4/28/00. Judgment for DNR 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Supreme Court denied motion; ALJ will now rule on the remanded portion of the decision, awaiting the ALJ decision. ALJ decision cut penalty in half – remainder of case on appeal with Supreme Court. Case being handled by AG. DNR involvement is over. Case still with Supreme Court. |
| 9/08/99 | Linwood Mining & Minerals | 6 | Permit Conditions | AQ | Preziosi | Settlement close. |
| 9/10/99 | Linwood Mining & Minerals | 6 | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 9/21/99 | Julie Rowe d/b/a Jewel's Food & Spirits | 1 | Admin. Order/Penalty | WS | Murphy | ALJ decision 2/8/02 affirmed order. No appeal. Awaiting installation of treatment facilities, at which time penalty will be rescinded. |
| 10/22/99 | Robert Fisher | 2 | Admin. Order/Penalty | AFO | Clark | 8/28/02 Penalty settlement offer request/notice of transfer to DIA sent to appellant. |
| 11/15/99 | Industrial Energy Applications | 1 | Permit Denial | AQ | Preziosi | Permit applications to be submitted shortly. |
| 11/15/99 | Rocky Knoll Mobile Home Park | 2 | Admin. Order/Penalty | WS | Tack | Compliance achieved. Penalty settled for \$3,000. Payment plan to be negotiated prior to hearing date of 9/13/02. |
| 11/19/99 | Climax Molybdenum Co. | 6 | Permit Denial | AQ | Preziosi | Permit applications to be submitted shortly. |
| 12/01/99 12/08/99 | Iowa Select Farms, L.P./AG Waste Consultants, Inc. | 2 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 4/14/00 | Stateline Cooperative | 2 | Admin. Order | HC | Wornson | Tier 2 report submitted 11/28/00. High |

| | | | | | | |
|----------------|--|----------|--------------------------|-----------|-----------------|--|
| | | | | | | risk. review for further corrective action. |
| 4/24/00 | Carroll, City of | 4 | Permit Conditions | WW | Hansen | 12/3/01 and 12/13/01 – Dept. letters to City with further comments on facility plan. 1/28/2 – Dept. letter to city with WQ based copper effluent limits. 3/8/02 – City engineer letter concerning resolution of appeal issues and proposing new schedule. Letter being reviewed by WW permits engineer. 8/1/02 – Dept. engineer requested revised construction schedule from the city. |
| 4/26/00 | State Wide Metal Recycling, Inc.; Fred Bovee | 5 | Admin. Order | SW/HC | Tack | Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 7/02. |
| 6/08/00 | Leo Pieper | 4 | Admin. Order/Penalty | AFO | Clark | 8/7/02 Settlement letter sent. Payment due 9/12/02. |
| 6/14/00 | Quality Mat Co., Inc. | 1 | Admin. Order/Penalty | AQ | Book | 4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01. |
| 7/13/00 | Dan Witt | 6 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 8/02/00 | Wacker Biochem Corp. | 5 | Permit Conditions | AQ | Preziosi | Settled. Case closed. |
| 8/11/00 | Twin Anchors RV Resort | 5 | Admin. Order/Penalty | WW | Tack | Construction permit application on file. Responsible part is working with WW section to achieve compliance. Penalty to be negotiated after compliance is achieved. |
| 8/11/00 | Kiefer Built | 2 | Admin. Order/Penalty | AQ | Preziosi | Settled. Penalty payment plan established. 5/02 – First two penalty payments received. |
| 9/05/00 | Thomas Kronlage | 1 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 9/27/00 | Farmers Cooperative Society (Titonka) | 2 | Admin. Order Penalty | AQ | Preziosi | Negotiating before filing. |
| 10/02/00 | Agriprocessors, Inc. | 1 | Variance Denial | | Murphy | 3/1/02 – City/industry progressing with facility improvements. |
| 10/03/00 | Friesen of Iowa, Inc. | 3 | Admin. Order/Penalty | AQ | Preziosi | Settlement meeting to be held in Sept. or Oct. |
| 10/06/00 | Linwood Mining & Mineral Corp. | 6 | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 10/06/00 | Duane Crees | 6 | Admin. Order/Penalty | AQ/SW | Tack | Default judgment to be entered in favor of Dept. Appeal closed. Penalty due. |
| 10/20/00 | AGP, Ag Processing | 6 | Permit Conditions | AQ | Preziosi | AGP has sold this facility. Checking with new owner regarding interest in appeal issue. Deadline 8/1/02. |
| 11/17/00 | James Nizzi d/b/a Alice's Spaghettiland | 5 | Admin. Order/Penalty | WS | Hansen | 11/6/01 Settled. Facility agreed to pay penalty in installments. 11/29/01 First installment of penalty received. 12/31/01 Follow-up letter sent regarding penalty payment due. 1/15/02 2nd penalty payment received. 2/18/02 Penalty payment received. 4/8/02 Follow-up letter sent regarding penalty. 4/24/02 Payment received. 6/16/02 Dept. letter to Co. attorney regarding penalty payment. 6/27/02 payment |

| | | | | | | |
|----------|---|---|----------------------|-------|----------|--|
| | | | | | | received. 8/30/02 Dept. letter to attorney regarding penalty payment. |
| 11/20/00 | Randy Golden d/b/a R. Excavating | 4 | Admin. Order/Penalty | WW | Tack | Petition for judicial review filed. AG to handle. |
| 11/22/00 | Fansteel-Wellman Dynamics | 4 | Permit Conditions | SW | Tack | Hearing continued indefinitely. Fluoride response requirements to be consolidated with EPA response action. |
| 12/01/00 | Postville, City of | 1 | Admin. Order | WW | Murphy | 3/1/02 – City/industry progressing with facility improvements. |
| 12/05/00 | Braddyville, City of | 6 | Admin. Order/Penalty | WW | Hansen | 1/25/02 Dept. settlement offer to City Attorney. 2/1/02 City Attorney accepted offer. 3/02 Settled. Consent order to be entered into. 7/1/02 Dept. letter with consent order to city attorney. 7/22/02 Consent order signed by Director and issued. 7/29/02 City attorney sent motion to dismiss appeal to ALJ. 8/5/02 ALJ issued order closing appeal. Penalty payment due 10/31/02. |
| 2/27/01 | Floyd Kroeze | 2 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 4/04/01 | The Woods at Fox Hollow Homeowners Assn. | 6 | Permit Conditions | WS | Hansen | 8/23/01 WS sent letter to WS section stating monitoring would be initiated. WS has begun to monitor but has not completed all required monitoring. 11/17/01 Dept. copied on letter from homeowner's association to developer concerning installation of a third well for the subdivision. 5/31/02 Letter to WS regarding decision to connect to another system or separate into two systems. 7/15/02 Dept. advised that 3 rd well was constructed. WS requested to be classified as a non-PWS since it does not meet criteria for PWS. 8/1/02 Dept. letter to WS about reclassification. 8/20/02 Response received from facility developer. 8/30/02 Dept. requested more information. |
| 4/13/01 | West Central Cooperative | 4 | Permit Denial | AQ | Preziosi | Meeting set for 12/03/01. |
| 4/16/01 | Richard Thompson; Thompson Auto Parts | 5 | Admin. Order/Penalty | SW/WW | Tack | Clean-up schedule agreement reached. Hearing continued to 11/08/02. |
| 5/01/01 | Onawa Country Club and Golf Course | 4 | Admin. Order/Penalty | WS | Tack | 7/23/02 – Settlement offer renewed. |
| 5/29/01 | Wayne Wheatley fdba Wheatley Auto and Truck Service | 3 | Admin. Order/Penalty | UT | Wornson | Settlement agreement. Hearing continued. Compliance initiated. |
| 5/29/01 | Burco Farms, Inc. | 1 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 6/18/01 | Noble Ford Mercury | 5 | Admin. Order/Penalty | WW | Hansen | 7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order. |
| 6/19/01 | Eagle Investors, LLP d/b/a Manson Ampride | 4 | Admin. Order/Penalty | UT | Wornson | Compliance achieved, negotiating penalty pending change in UST fund rule. |
| 6/19/01 | John Hoth | 5 | Admin. Order/Penalty | UT | Wornson | Compliance initiated, penalty settlement pending completion of tank closure. |

| | | | | | | |
|----------|--|---|----------------------|-------|----------|--|
| 6/27/01 | Tama Beef Packing, Inc. | 5 | Admin. Order/Penalty | SW/WW | Hansen | 11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 3/14/02 – Notice received from bankruptcy court regarding proposed assumption of lease for plant by AgriProcessors, Inc. |
| 7/02/01 | Bulk Petroleum Corp. d/b/a Citgo | 5 | Admin. Order/Penalty | UT | Wornson | Negotiating before filing. |
| 7/10/01 | Midway Oil Co. (West Branch – 8603858) | 6 | Admin. Order/Penalty | UT | Wornson | Settlement except for penalty. Hearing indefinitely postponed. Monitor compliance. Midway has failed to sign settlement agreement and is in breach of oral agreement. |
| 7/10/01 | Midway Oil Co. (Davenport – 8602775) | 6 | Admin. Order/Penalty | UT | Wornson | Settlement except for penalty. Hearing indefinitely postponed. Monitor compliance. |
| 7/16/01 | Midland Transportation Co. | 1 | Admin. Order/Penalty | UT | Wornson | Midland filed for bankruptcy. Negotiating with trustee. |
| 8/09/01 | Nevada, City of | 5 | Admin. Order/Penalty | UT | Wornson | Compliance achieved. Negotiating penalty or SEP. |
| 8/13/01 | ABC Disposal Systems, Inc. | 1 | Admin. Order/Penalty | SW | Tack | 4/15/02 - Proposed decision upheld by EPC. Petition for judicial review filed. AG to handle. |
| 8/15/01 | Trajat Products, Inc. | 4 | Admin. Order/Penalty | AQ | Preziosi | Hearing continued. |
| 8/17/01 | Long Branch Maintenance Corp. | 5 | Admin. Order/Penalty | WW | Hansen | Informal meeting held at FO 4 on 9/17/01. Tentative agreement reached on revised schedule. 3/27/02 – Dept. settlement offer with schedule for improvements. 4/29/02 – Letter received from WS attorney regarding settlement. |
| 8/21/01 | Earlham, City of | 5 | Admin. Order/Penalty | WW | Hansen | Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement offer with counter offer. 11/29/01 – Dept. follow-up letter to City. 12/18/01 – City attorney responded to Dept. offer. |
| 9/25/01 | Lawrence Lenertz | 5 | Admin. Order/Penalty | UT | Wornson | Compliance initiated. Penalty settlement pending completion of Tiered assessment. |
| 10/02/01 | Daryl Larson | 6 | Admin. Order | AFO | Clark | Negotiating before filing. |
| 10/02/01 | Lawrence "Bub" Korver d/b/a Korver Development Co. | 3 | Admin. Order/Penalty | WW | Tack | Negotiating before filing. |
| 10/08/01 | Ervin Jones; City of Swisher | 6 | Certification Denial | WW | Wornson | Compliance achieved except for probationary period. |
| 11/01/01 | Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis | 4 | Admin. Order/Penalty | WW/HC | Wornson | Hearing continued. Settlement agreement signed. Resolution of penalty pending completion of site assessment. |
| 11/07/01 | Sir Fredericks, Inc. | 5 | Admin. Order/Penalty | UT | Wornson | Compliance initiated. |
| 11/26/01 | LeMars, City of | 3 | Admin. Order/Penalty | WW | Hansen | 8/22/02 Informal meeting held to discuss settlement. |
| 11/27/01 | Dallas County Care Facility | 5 | Admin. Order/Penalty | WW | Hansen | Negotiating before filing. |
| 12/07/01 | Crestwood Acres | 1 | Admin. Order | WS | Murphy | 8/8/02 Proposed ALJ decision. |
| 12/10/01 | Max and Phyllis Graber; Burdean Graber | 6 | Admin. Order/Penalty | AFO | Clark | Negotiating before filing. |
| 12/10/01 | Blair's Ferry Manor | 1 | Admin. Order | WS | Murphy | 8/8/02 Proposed ALJ decision. |

| | | | | | | |
|----------|---|---|---|-------|----------|---|
| 12/17/01 | Keith Stoterau; Hopp Construction Co., Inc. | 4 | Admin. Order/Penalty | WW | Murphy | Negotiating before filing. |
| 12/24/01 | Joe & Mary Schuster | 2 | Admin. Order/Penalty | AQ/SW | Preziosi | Negotiating before filing. |
| 1/04/02 | Negus-Sons, Inc. (Whispering Woods) | 4 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 1/09/02 | Roger Eblen; Roger Eblen Development; Duane Menke | 4 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 1/14/02 | George Redman | 5 | Order/Penalty | AQ | Preziosi | Settled. Awaiting penalty payment. |
| 1/18/02 | Robert Ward | 6 | Order/Penalty | WW | Tack | Negotiating before filing. |
| 1/23/02 | Clearview Mobile Home Park | 6 | Permit Conditions | WW | Hansen | 3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues. |
| 1/24/02 | Bowlaway Lanes | 1 | Order/Penalty | WS | Tack | Hearing set for 10/11/02. |
| 1/29/02 | Partners Four Investments, Inc. | 2 | Order/Penalty | UT | Wornson | Tier 2 submitted. Negotiating penalty. |
| 1/29/02 | Van Meter Development Corp. (Whispering Pines) | 5 | Order/Penalty | WW | Murphy | Hearing set for 9/25/02. |
| 2/08/02 | ADM – Clinton | 6 | Permit Conditions | AQ | Preziosi | Negotiating before filing. |
| 2/20/02 | Storm Lake, City of | 2 | Permit Conditions | WW | Hansen | Hearing continued to 9/19/02 to allow City to submit updated report to Dept. for review. 7/1/02 – Reports not yet submitted. 7/5/02 – Dept. received letter from City attorney and City engineer; under review by WW permits section. |
| 2/25/02 | Lee County | 6 | Permit Conditions | WW | Hansen | 5/31/02 Status report requested from WW permits section. Hearing set for 9/16/02. 8/8/02 Petition received from County attorney. 8/27/02 Answer filed by Dept. |
| 3/13/02 | Sapp Bros. Truck Stops, Inc. | 4 | Order/Penalty | WS | Murphy | Hearing set for 10/18/02. |
| 3/14/02 | Brett George d/b/a Cedar Valley Tree Service | 6 | Order/Penalty | AQ/SW | Tack | 8/16/02 First penalty payment received. Final payment due 9/15/02. |
| 3/20/02 | Mike Messerschmidt | 6 | Order/Penalty | AQ/SW | Book | In the process of finalizing consent amendment. |
| 4/11/02 | William Habhab | 2 | Order/Penalty | SW | Tack | City of Ft. Dodge attempting to enroll site in federal clean-up program. Appeal on hold until 10/02. |
| 4/12/02 | Well's Dairy, Inc. | 3 | Order/Penalty | WW | Hansen | 4/26/02 Letter sent to company attorney regarding request for stay of order. 5/21/02 Letter received from company attorney. 6/13/02 Dept. settlement response to Co. attorney. 7/02 Dept. letter to Co. attorney. 8/22/02 Informal meeting held to discuss settlement. |
| 4/17/02 | Lawrence Handlos | 4 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 4/17/02 | Kris King | 4 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 4/22/02 | Big Rock Country Club | 1 | Order/Penalty | WS | Tack | Compliance to be reviewed after 8/1/02. |
| 4/23/02 | AssaAbloy Door Group, LLC d/b/a Curries Co. | 2 | Denial of Exemption for Construction Permit | AQ | Book | Facility has until 6/1/02 to decide if they want a hearing. Under construction permit section review until 8/15/02. |
| 4/30/02 | Dennis Frederickson; Mark Frederickson | 4 | Order/Penalty | AQ/SW | Preziosi | Negotiating before filing. |
| 5/01/02 | Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash | 6 | Order/Penalty | WW | Murphy | Hearing set for 10/7/02. |

| | | | | | | |
|---------|--|---|----------------------|-------|----------|--|
| 5/02/02 | Minden, City of | 4 | Order/Penalty | WW | Hansen | Amended order to be issued to resolve appeal. |
| 5/02/02 | Mid-States Asbestos Removal, Inc. (Sioux City) | 3 | Order/Penalty | AQ | Book | Consent amendment agreed to with reduced penalty. 8/30/02 Penalty payment received. Case closed. |
| 5/03/02 | M.A., Inc.; Spring Grove MHP | 6 | Order/Penalty | WW | Hansen | Hearing held 7/30/02. |
| 5/03/02 | M.A., Inc.; Westside Park for MH | 6 | Order/Penalty | WW | Hansen | Hearing held 7/30/02. |
| 5/07/02 | Jones County Conservation Board; Central Park | 1 | Order/Penalty | WS | Hansen | Negotiating before filing. |
| 5/07/02 | Goldsmith and Son, Inc.; Goldsmith Trucking | 3 | Order/Penalty | AQ | Book | Consent amendment agreed to with reduced penalty and stipulated penalty if there are more violations within next 2 years. Penalty payment plan established and payments on schedule. |
| 5/08/02 | James and Retha Wilson | 4 | Order/Penalty | UT | Wornson | Negotiating before filing. |
| 5/08/02 | Swine Graphics Enterprises, L.P., ADL V Sow Farm | 5 | Order/Penalty | AFO | Murphy | 5/17/02 – Sent to DIA. To be submitted to ALJ by stipulation. |
| 5/09/02 | Arthur, City of | 3 | Order/penalty | WW | Hansen | Negotiating before filing. |
| 5/10/02 | Wellington Environmental | 6 | Order/Penalty | AQ | Book | Will resolve with other Wellington case. Appeal under consideration by Company. |
| 5/13/02 | Avery Feeder Pig Co. | 2 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 5/23/02 | Emer Carlson | 6 | Order/Penalty | AQ | Book | Meeting scheduled for 8/21/02. |
| 5/30/02 | Paul Nagle | 5 | Order/Penalty | AQ | Book | Consent amendment agreed to with reduced penalty and payment plan. Payments on schedule. |
| 6/03/02 | Richard Caves | 5 | Order/Penalty | HC | Tack | Negotiating before filing. |
| 6/11/02 | Seymour, City of | 5 | Order/Penalty | AQ | Preziosi | Settled. 8/13/02 - Penalty payment received. Case closed. |
| 6/14/02 | Deer Track Subdivision; F & J Enterprises | 4 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 6/17/02 | Allison, City of | 2 | Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 6/17/02 | Clint Cordes; Cordes Excavating | 2 | Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 6/27/02 | Northwest Iowa Solid Waste Agency | 3 | Stipulated Penalties | SW | Tack | Negotiating before filing. |
| 7/02/02 | ITWC | 5 | Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 7/02/02 | Wellington Environmental (Iowa City) | 6 | Order/Penalty | AQ | Book | Will resolve with other Wellington case. Appeal under consideration by Company. |
| 7/05/02 | Marion Murray; Murray Transfer and Storage | 6 | Order/Penalty | UT | Wornson | Compliance initiated. |
| 7/09/02 | Waukon Golf & Country Club | 1 | Order/Penalty | UT | Wornson | Compliance initiated. |
| 7/10/02 | Kevin Wallerich | 6 | Order/Penalty | SW/WW | Tack | Negotiating before filing. |
| 7/15/02 | Grinnell Properties, Inc.; David Hamilton | 5 | Order/Penalty | UT | Wornson | Negotiating before filing. |
| 7/18/02 | Mt. Pleasant, City of | 6 | Order/Penalty | WW | Hansen | Negotiating before filing. \$500 penalty payment received for uncontested portion. |
| 7/22/02 | Thombert, Inc. | 5 | Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 7/23/02 | Doug Wedemeyer | 4 | Order/Penalty | AFO | Murphy | Negotiating before filing. |
| 7/24/02 | Frank Siemens | 2 | Order/Penalty | AFO | Clark | Negotiating before filing. |
| 7/31/02 | Nevada, City of | 5 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 7/31/02 | College Pro Painters | 5 | Order/Penalty | WW | Murphy | Negotiating before filing. |
| 8/08/02 | Jason Strike | 1 | Order/Penalty | AFO | Murphy | Negotiating before filing. |

| | | | | | | |
|---------|--|---|---------------|-------|---------|--|
| 8/12/02 | Garry B. Pellett; Pellett Chemical Co., Inc. | 4 | Order/Penalty | UT | Wornson | New case. Late appeal. Compliance initiated. |
| 8/15/02 | Lehigh Portland Cement | 2 | Order/Penalty | WS | Clark | New case. |
| 8/23/02 | Clifton Clark | 4 | Order/Penalty | AQ/SW | Tack | New case. |

During the period July 1, 2002 through July 31, 2002, 6 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

| Month | Total | Avg. Length (days) | Avg. Volume (MGD) | Sampling Required | Fish Kill |
|---------------|-------|-----------------------|----------------------|----------------------|-----------|
| October '01 | 9(5) | 1 | .0211 | 0 | 0(0) |
| November '01 | 4(1) | 1 | 0.00133 | 2 | 0(0) |
| December '01 | 3(1) | 2 | 3.50002 | 1 | 0(0) |
| January '02 | 4(5) | 1 | .007485 | 1 | 0(0) |
| February '02 | 5(2) | 1.2 | .012 | 2 | 0(0) |
| March '02 | 2(10) | 1 | .000125 | 0 | 0(0) |
| April '02 | 5(3) | 1 | 0.50215 | 2 | 0(0) |
| May '02 | 2(10) | 5.5 | 0.052 | 1 | 0(0) |
| June '02 | 3(6) | 1 | 0.09667 | 1 | 0(0) |
| July '02 | 6(6) | 2 | 0.15828 | 4 | 0(0) |
| August '02 | 3(9) | 1 | .0069 | 0 | 0(1) |
| September '01 | 5(0) | 1 | .005 | 3 | 0(0) |
| | | | | | |

(numbers in parentheses for same period last year)

Note: data not previously collected,
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

| | | | | | |
|----------|----------|----------|----------|----------|----------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 2 | 2 | 1 | 1 | 0 | 0 |

Wayne Gieselman offered to answer any questions the Commissioners had on the monthly reports.

Kelly Tobin asked if the Department was making any progress on collecting penalties.

Mike Murphy said the Department had a good month. He said the Department generally will collect between \$300,000 and \$350,000 annually.

| |
|-------------------------|
| INFORMATION ONLY |
|-------------------------|

GENERAL DISCUSSION

Wayne Gieselman said that the Director is calling a meeting of several organizations involved with the production of ethanol in early October to address the environmental issues involved in the production process. He said there will be money coming into Iowa to help with the development of an ethanol industry.

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Murphy adjourned the meeting at 2:40 p.m., Monday, September 16, 2002.

Jeffrey R. Vonk, Director

Kathryn Murphy, Chair

Rita Venner, Secretary

INDEX

A

Adjournment, 44
Adoption of Agenda, 1
Approval of Minutes, 1

B

Braun, Jim
 Public Participation, 10

C

Call to Order, 1
Chapter 107 Beverage Container Deposits
 Amendment to a rule change
 Notice of Intended Action, 5
Chapter 117 Requirements for Waste Tire
 Facilities
 Set Back Distances
 Proposed Rule, 20
Chapter 2, Public Records and Fair
 Information Practices
 Emissions and Effluent Data Definitions
 Proposed Rule, 21
Chapter 60 Scope of Title-Definitions-
 Forms-Rules of Practice
 Federal Update
 Emergency Rule, 6
Chapter 60--Scope of Title-Definitions-
 Forms-Rules of Practice
 Amendment
 Final Rule, 7
Chapter 62 Effluent and Pretreatment
 Standards
 Federal update
 Emergency Rule, 6
Chapter 63 - Monitoring, Analytical and
 Reporting Requirements
 Federal update
 Emergency Rule, 6
Chapter 64--Wastewater Construction and
 Operation Permits
 Amendment
 Final Rule, 7

Chapter 65 Animal Feeding Operations

 Master Matrix
 Proposed Rule, 19

Chapter 65 Animal Feeding Operations

 Master Matrix
 Proposed Rule, 16
 Minimum Separation Distance- Annual
 Compliance Fee – Manure Management
 Plan Annual Updates – Site Inspection –
 Construction Permit Application Review
 – Table 6 Amendment
 Proposed Rule, 11, 15

Chapter 7, Contested Case Rules

 Adoption by reference of Director's
 amendments
 Proposed Rule, 22

Commissioners Absent, 1

Commissioners Present, 1

Contract

 Energy Nexus Group

 Streamlining Siting and Permitting
 of Combined Heat and Power
 Systems, 3

Crestwood Acres and Blairs Ferry Manor

 Proposed Contested Case Decision, 8

D

Demand for Hearing

 Schedule Special Meeting, 2

Director's Report, 1

Douglas, Sheila

 Public Participation

 Beverage Container Deposits, 10

Downing, John Dr.

 Clear Lake Diagnostic and Feasibility
 Study
 Presentation, 18

E

Emergency Rule

 , Chapter 62 - Effluent and Pretreatment
 Standards

 Federal update, 6

Chapter 60 - Scope of Title-Definitions-Forms-Rules of Practice

Federal update, 6

Chapter 63 - Monitoring, Analytical and Reporting Requirements

Federal update, 6

Energy Nexus Group

Contract

Streamlining Siting and Permitting of Combined Heat and Power Systems, 3

F

Final Rule

Chapter 60--Scope of Title-Definitions-Forms-Rules of Practice

Amendment, 7

Chapter 64--Wastewater Construction and Operation Permits

Amendment, 7

G

General Discussion, 43

Gustafson, Jim

Public Participation

Master Matrix, 13

H

Heathcote, Susan

Public Participation

Master Matrix, 13

Honey Creek Campground

Snody, Pat

Referrals to the Attorney General, 9

J

Jordal, Erin

Public Participation

Master Matrix, 14

K

Kinman, Linda

Public Participation

Master Matrix, 14

L

Level, Fred (Butch)

M-F Real Estate

Referral to the Attorney General, 9

M

M.A. Inc

Proposed Contested Case Decision, 8

M-F Real Estate

Level, Fred (Butch)

Referral to the Attorney General, 9

Monthly Reports, 22

Mulqueen, RobertPublic Participation

Master Matrix, 14

N

Notice of Intended Action

Chapter 107 Beverage Container Deposits

Amendment to a rule Change, 5

P

Peterson, Chris

Public Participation

Master Matrix, 15

Presentation

Downing, John Dr.

Clear Lake Diagnostic and Feasibility Study, 18

Proposed Contested Case Decision

Crestwood Acres and Blairs Ferry Manor, 8

M.A. Inc, 8

Proposed Rule

Chapter 117 Requirements for Waste Tire Facilities

Set Back Distances, 20

Chapter 2, Public Records and Fair Information Practices

Emission and Effluent DAta Definitions, 21

Chapter 65

Master Matrix, 19

Chapter 65 Animal Feeding Operations

Master Matrix, 16

Minimum Separation Distance-
Annual Compliance Fee – Manure
Management Plan Annual Updates –
Site Inspection – Construction
Permit Application Review – Table 6
amendment, 11, 15
Chapter 7, Contested Case Rules
Adoption by reference of Director's
amendments, 22
Public Participation, 10, 12
Braun, Jim, 10
Douglas, Sheila
Beverage Container Deposits, 10
Gustafson, Jim
Master Matrix, 13
Heathcote, Susan
Master Matrix, 13
Jordal, Erin
Master Matrix, 14
Kinman, Linda
Master Matrix, 14
Mulqueen, Robert
Master Matrix, 14
Peterson, Chris
Master Matrix, 15
Solberg, LJ
Master Matrix, 13
Wolfram, Robert
Water Quality, 15
Wood, Doug
Master Matrix, 15

R

Referral to the Attorney General
M-F Real Estate
Level, Fred (Butch), 9
Referrals to the Attorney General
Snody, Pat
Honey Creek Campground, 9

S

Snody, Pat
Honey Creek Campground
Referrals to the Attorney General, 9
Solberg, LJ
Public Participation

Master Matrix, 13

W

Wolfram, Robert
Public Participation
Water Quality, 15
Wood, Doug
Public Participation
Master Matrix, 15